

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227. No. 54 of 2019**

1. Dilip Gattani S/o Girdharilal Gattani Aged About 35 Years (Husband Of Original Plaintiff).
2. Tilak Gattani, Aged About 6 Years Minor, Son of Plaintiff.
3. Akshat Gattani S/o Dilip Gattani Aged About 3 Years.

Petitinoer No.2 and 3 being Minor Through Petitioner No. 1 Being Natural Guardian Dilip Gattani, Aged About 35 Years. S/o Girdharilal Gattani.

All, R/o Purana Ganj Chowk Ward No. 30, Lakholi Road, Tahsil And District Rajnandgaon, Chhattisgarh.

---- Petitioners**Versus**

1. Damodar S/o Mahadev Meshram Aged About 40 Years Caste Lohar R/o Purana Ganj, Ward No. 30, Lakholi Road, Tahsil And District Rajnandgaon, Chhattisgarh.
2. Nikhil Kumar Jain S/o Shri Virendra Kumar Jain Aged About 36 Years R/o Janta Colony Ward No. 29 Lakholi, Tahsil And District Rajnandgaon, Chhattisgarh.

---Respondents

For Petitioners : Mr. Parag Kotecha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23.01.2019**

1. By the impugned order dated 14.12.2018 the trial Court has rejected the application filed by the petitioners/plaintiffs under Section 52 of the Transfer of Property Act read with Order 1 Rule 10 of the C.P.C.
2. Learned counsel for the petitioners submits that during the pendency of suit, defendant No.2 has sold the property to Sujeet Kumar, therefore, transaction is hit by Section 52 of the Transfer of Property Act, and he was necessary party.
3. I have heard learned counsel for the petitioners and perused the impugned order.
4. It is the case of the plaintiffs that the suit property has been sold by defendant No.2 during pendency of the suit and the said transaction

is hit by Section 52 of the Transfer of Property Act. The trial Court has rejected the application for impleadment.

5. The petitioners are at liberty to raise the ground of Section 52 of the Transfer of Property Act at the time of final hearing that will be considered by the trial Court.
6. The writ petition is accordingly disposed off with the above stated liberty.
7. A copy of this order be sent to the concerned trial Court directly and through E-mail and Fax.

Sd /-

(Sanjay K. Agrawal)
Judge