

204

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 2186 of 2009 (O&M)
Date of Decision: 22.05.2019

Madhu Jain and another

-Petitioners

Vs

Vikar-Ur-Rehman Jamali and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shalender Mohan, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have preferred this revision petition against the order dated 21.02.2009 passed by Civil Judge (Junior Division), Hansi vide which the application filed by respondent No.2 under Order 1 Rule 10 CPC was allowed.

Respondent No.2 filed a suit for specific performance on the basis of agreement to sell dated 08.09.2002. The suit was decreed by the trial Court vide judgment and decree dated 13.09.2005. The decree was passed against respondent No.1.

Petitioners being LR's of Sudesh Kumar filed a suit for possession on the basis of subsequent agreement to sell dated 25.07.2003. In the aforesaid suit, Jitender Kumar has come forward on the basis of his decree dated 13.09.2005 for impleadment as party defendant in the suit.

Since the land in question is the same, vendor is also the same, therefore even if the decree dated 13.09.2005 was passed during pendency of present suit, impleadment of respondent No.2 would be lawful for consideration of the *lis* on merits as his impleadment would facilitate the Court to decide the entire controversy in an effective manner.

Petitioners have been impleaded as legal representatives of deceased-plaintiff Sudesh Kumar.

Respondent No.2 has been impleaded as he claimed that his agreement to sell was prior in point of time vide which the land was sought to be transferred by defendant No.1 in his favour after passing of consideration. Even vendee *lis pendens* in case of specific performance is entitled to be impleaded in view of ratio of **Thomson Press (India) Ltd. vs Nanak Builders & Investors (P) Ltd., (2013) 5 SCC 397.**

In view of controversy on record, it would be just and expedient to consider impleadment of respondent No.2 favourably so as to avoid multiplicity of litigation.

Dismissed.

22.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

- | | | | |
|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |