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

CR No. 9014 of 2017

Date of Decision: 11.03.2019

Dharam Singh

-Petitioner

Vs

Gurjant Singh and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.P.S. Virk, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed the order dated 06.12.2017 passed by Civil Judge (Junior Division), Samana vide which the application under Order 1 Rule 10 CPC for impleading Shamsheer Kaur (subsequent vendee) as party defendant was dismissed.

Plaintiff-petitioner filed a suit for recovery on the basis of agreement to sell dated 04.07.2011.

Notice of motion was issued on 21.12.2017.

As per office report, respondents have been duly served.

Shamsheer Kaur is a subsequent vendee who has purchased the disputed land even after filing of written statement by the defendants. The suit for recovery was filed in view of pleadings made in the plaint in the context of not

readiness and willingness on the part of the parties.

Since the status of subsequent vendee has arisen from a cause of action which was initially based on agreement to sell for which suit for specific performance could have been filed but for the pleadings made in the plaint, same could not be filed and a suit for recovery has been preferred.

At this stage, without commenting upon merits of the case, it would be just and appropriate to implead Shamsheer Kaur as a proper party because the suit itself is in two parts i.e. recovery as well as restraining the defendants from transferring the suit property.

Reference can be made to Thomson Press (India) Ltd. vs. Nanak Builders and Investors (P) Ltd., 2013(2) RCR (Civil) 875 and Balaram vs Chellethangam AIR 2015 SC 1264.

For the reasons recorded hereinabove, I deem it appropriate to accept this revision petition. Consequently, impugned order dated 06.12.2017 passed by Civil Judge (Junior Division), Samana is set aside.

Normal consequences to follow.

11.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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