

C.M.P.No.7787 of 2019
in
A.S.No.30 of 2019

DR.G.JAYACHANDRAN,J.,

These two implead petitions are filed by the purchaser *pendente lite* claiming that he has purchased 8/9 share.

2. The learned counsel for the petitioner would rely upon the judgment of the Hon'ble Supreme Court rendered in ***Thomas Press (India) Ltd. Vs. Nanak Builders & Investors P.Ltd & Others*** reported in ***CDJ 2013 SC 152***.

3. It is the contention of the learned counsel for the petitioner that, even though Section 52 of the Transfer of Property Act lays down the transferee *pendente lite* as a cause to immovable property is the subject to the out come of the suit, if the interest is substantial then he must be permitted to get impleaded and agitate his right. This Court in view of the facts of the present case where the suit for partition was filed and right of preemptive purchase was vested with the sharers, the petitioner herein had entered into an agreement and also effected transfer of property in his name while the suit was pending. It is for his vendor to agitate the cause and protect his right as well as the purchaser's right, Court cannot keep on impleading persons who deal with litigation property, despite bar under Section 52 under the Transfer of Property Act. Therefore, this Court finds no merit in this implead petition. Hence, the petitions are dismissed.

26.02.2021

rpl

Dr.G.JAYACHANDRAN,J.

rpl



C.M.P.No.7787 of 2019
in
A.S.No.30 of 2019

WEB COPY

26.02.2021