

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

122

**CR-2346 of 2019 (O&M)
Date of decision: 13.09.2022**

Kamlesh Yadav

..Petitioner

Versus

Murari Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: **Mr. Ajay Jain, Advocate,
for the petitioner.**

**Mr. Chanderhas Yadav, Advocate,
for respondent no.1.**

ANIL KSHETARPAL, J(Oral)

The petitioner's application under Order XXII Rule 10 CPC to substitute her in place of Smt. Rajesh Devi, defendant no.2, has been dismissed by the trial court on the ground that the applicant is governed by the doctrine of lis pendens.

The plaintiff's suit for grant of decree of declaration that the sale deed dated 29.10.2013 executed by defendant no.1 in favour of defendant no.2 to 5, is illegal, null and void.

The petitioner is an assignee of rights from defendant no.2 during the pendency of the suit. The case is at the stage of defendant's evidence. Smt. Rajesh Devi has already filed her written statement.

Keeping in view the aforesaid facts, let the petitioner be substituted in place of defendant no.2. She will not be entitled to file any independent written statement, however, she will be entitled to lead her evidence but she will have no right to cross examine the witness who has already been examined.

With all these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

September 13, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>