

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

123

CR-2895-2019

Date of decision: 10.11.2022

KULDEEP SINGH

..Petitioner

Versus

KAMLESH KAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Aashna Gill, Advocate
for the petitioner.

Mr. Sunil Kumar Jain, Advocate
for respondent..

ANIL KSHETARPAL, J(Oral)

The petitioner and the respondent are the husband and wife.

The petitioner's suit for grant of decree of declaration that the transfer deed executed by him in favour of respondent is illegal, null and void and that another sale deed registered in favour of the defendant is a *benami* transaction, is pending. During the pendency of the suit some part of the property has been transferred by the defendant in favour of the daughters of the parties. An application filed for the permission to implead the aforesaid three daughters as parties to the suit has been dismissed by the Court on the ground that such transfer shall be hit by the doctrine of *lis pendens*.

Challenging the correctness of the aforesaid order, present revision petition has been filed.

On the one hand, the learned counsel representing the petitioner contends that in the absence of daughters, the Court will not be in a position to pass effective decree. It is also submitted that the daughters are at least required to be heard by the Court.

On the other hand, the learned counsel representing the respondent submits that all the three daughters have already been married and the summons from the Court shall create problem in their otherwise perfect matrimonial life.

In the facts of the present case, the doctrine of *lis pendens* protects the rights of the petitioner in a complete manner.

With all these observations above, the present petition is disposed of.

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

November 10th, 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>