

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

119

CR-5450-2019

Date of decision: 29.09.2022

SATYAPAL

..Petitioner

Versus

ATTAR SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Alok Jain, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is the plaintiff in a suit for grant of decree of declaration with a consequential relief of permanent injunction claiming to have become owner by inheritance on account of death of late Sh. Ram Sarup. During the pendency of the suit, an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908, filed with a request to permit them to implead Ms. Mamta wife of Sh. Amit Kumar, Sh. Nishant son of Sh. Vikram and Sh. Anand, Sh. Shyam Singh and Sh. Suman Singh, who all are the sons of Sh. Gaimda as defendants has been dismissed by the trial Court. It was asserted that defendant No.3, 7 and 22 have alienated the property in favour of Ms. Mamta wife of Sh. Amit Kumar, Sh. Nishant son of Sh. Vikram and Sh. Anand, Sh. Shyam Singh and Sh. Suman Singh, who all are the sons of Sh. Gaimda.

The trial Court dismissed the application on the ground that the sale/transfer in favour of the subsequent transferees shall be governed by the rule of *lis pendens*.

Challenging its correctness, this revision petition has been filed. The suit was filed in the year 2015. The application was filed in the year 2018. The case was fixed for plaintiff's evidence. Undoubtedly, the

transferees shall be governed by the rule of *lis pendens*, however, it is appropriate to implead the transferees before deciding the suit.

Moreover, the plaintiffs are *dominus litis*. They have filed an application for impleading subsequent transferees as parties so as to enable the Court to pass an effective judgment and decree.

Keeping in view the aforesaid facts, the order dated 08.04.2019 is set aside. The application filed by the plaintiff shall stand allowed.

With these observations, the revision petition is disposed of.

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

September 29th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*