

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3500 of 2022 (O&M)

Date of Decision: 20.12.2022

Mohd. Hanif (Since Deceased) through his Legal Representatives

... Petitioner(s)

Versus

Mohinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jai Bhagwan, Advocate
for the petitioner(s).

Ms. Promila Nain, Advocate
for the respondent No.9.

Anil Kshetarpal, J.

1. The petitioner herein has filed a suit for possession by way of specific performance of the agreement to sell. During the pendency of the suit, a subsequent purchaser has been permitted to be impleaded as a party.

This revision petition has been filed assailing its correctness.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioner, while relying upon the judgment passed by the Supreme Court in *Gurmit Singh Bhatia v. Kiran Kant Robinson and Others (2020) 13 SCC 773*, contends that the subsequent vendee is not a necessary party.

4. This Court has considered the submissions made by the learned counsel representing the petitioner and have carefully read the judgment

referred to above. It would be noticed that the Supreme Court in *Thomson Press (India) Ltd. v. Nanak Builders & Investors (P) Ltd. And Others (2013) 5 SCC 397* had examined the aforesaid matter, in detail. Moreover, it is in the interest of the plaintiff if the subsequent vendee is impleaded as a party so as to enable the Court to pass a comprehensive decree directing the subsequent vendee to join in the execution of the sale deed if the suit is decreed. The subsequent vendee will get an opportunity of hearing failing which he will be delaying the execution of the decree. The subsequent vendee has a right of hearing and he is alleging that the original defendants are colluding with the plaintiff. In such circumstances, this Court does not find it appropriate to interfere with the discretion exercised by the trial Court.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 20, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No