

CR-5557-2022

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5557-2022

Date of Decision: November 30, 2022

Sudagar Singh and another

...Petitioners

Versus

Navneet Mehta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Sandhu, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioners are aggrieved by the order dated 11.11.2022 (Annexure P-5) passed by the Court of learned Civil Judge (Sr. Divn.), Rupnagar, whereby their application under Order 1, Rule 10 CPC for impleadment of the party in a pending suit title “*Navneet Mehta vs Sudesh Mehta & Ors.*” (No.CS/56634/2013), has been dismissed.

2. A perusal of the paper book to be read with the impugned order reveals that the suit was filed way back in 2005. Defendant Nos.1 to 3 filed written statement on 11.11.2005 and later on they were proceeded ex parte. The petitioners purchased the property from defendant Nos.2 and 3 vide registered sale deed dated 21.01.2020 and then moved an application under Order 1 Rule 10 CPC, which has been dismissed by the Trial Court.

3. The contention of the petitioners is that having sold the property to them, defendant Nos.2 and 3 have lost interest in the litigation and therefore, presence of the petitioner is necessary.

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4. I do not find merit in the said contention. The predecessor in interest of the petitioners had been proceeded ex parte way back in 2012 as conceded by learned counsel for the petitioners after earlier filing the written statement in 2005. Petitioners purchased the property during the pendency of the suit in January, 2020 only. In these circumstances, doctrine of lis pendens is applicable.

5. At this stage, learned counsel makes the submission that the petitioners may be allowed to join the proceedings from the subsequent stage only so as to watch their interest.

6. Revision is allowed to the aforesaid extent only.

7. It is made clear that this revision is disposed of with the permission to the petitioners to join the further proceedings only before learned Trial Court so as to watch their interest.

8. This order has been passed without serving notice to the respondents in order to avoid any delay in the matter. However, if the respondents are aggrieved by this order, they can approach this Court.

November 30, 2022
sarita

(DEEPAK GUPTA)
JUDGE

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