

2023:PHHC:111911

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

CR-1638-2020 (O&M)

Date of decision: 25.08.2023

Sukhwinder Singh and others

..Petitioners

Versus

Manjit Kaur and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. P.S.Punia, Advocate for
Mr. Ramandeep, Advocate for the petitioners

Mr. Kanwaljit Singh, Advocate for respondent no.3

ANIL KSHETARPAL, J (Oral)

1. An application filed by the purchaser of a part of the property has been permitted to be impleaded as a party has been allowed by the court of first instance under Order 1, Rule 10, of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC'). The correctness of the aforesaid order has been challenged in this revision petition.
2. Learned counsel representing the petitioners contends that the purchaser is governed by the rule of lis pendens and therefore, there is no requirement to implead her. Moreover, the plaintiff is dominus litis.
3. The purchasers, during the pendency of the suit, can be substituted under Order XXII Rule 10 of CPC in place of their vendors. Moreover, it would not be appropriate to decide a suit with regard to the declaration of ownership, in the absence of the purchaser of some part of the property. Hence, no ground to interfere is made out.
4. Dismissed.

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

25.08.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE