

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

CR No.1815 of 2024
Date of Decision : 24.04.2024

Rati Devi and AnotherPetitioners

VERSUS

Meena Devi and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravi Malik, Advocate for the petitioners.
Mr. Sanjeev Kumar, Advocate for respondent Nos.2 to 5.

ALKA SARIN, J. (Oral)

1. The present revision has been filed under Article 227 of the Constitution of India challenging the impugned order dated 02.03.2024 whereby the application filed by the petitioners for being impleaded as a party has been dismissed.

2. On 21.03.2024 the following order was passed :

“Learned counsel for the petitioners would contend that the property has been purchased by the petitioners during the pendency of the civil litigation. He, however, contends that though the principles of lis pendens would be applicable, however, since the defendants No.1 to 4 have been proceeded against ex parte and are not defending the case and it would adversely affect the rights of the petitioners, hence they ought to have been impleaded as party.

Notice of motion returnable 24.04.2024.

Dasti only. Liberty to serve the respondents through the counsel representing them before the Court concerned.

To be shown in the urgent list.”

3. Mr. Sanjeev Kumar, Advocate has put in appearance on behalf of respondent Nos.2 to 5 and has filed his power of attorney, which is taken on record.

4. Learned counsel for respondent Nos.2 to 5 states that he would have no objection if the present petition is allowed.

5. In view of the stand taken by learned counsel for respondent Nos.2 to 5 as well as keeping in view the fact that defendant Nos.1 and 4 have been proceeded against *ex parte* and are not defending the case, the petitioners ought to be permitted to defend the case.

6. In view of the above, the present revision petition is allowed. The impugned order dated 02.03.2024 is accordingly set aside. The application filed by the petitioners for being impleaded as a party is allowed and the petitioners are permitted to join the proceedings from this stage only.

7. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

24.04.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO