



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

CR-3249-2024

Date of Decision: July 25, 2024

Gopal Singh

...Petitioner

Versus

Jagmeer Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Varun Goyal, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner is defendant No.1 before the Trial Court in Civil Suit No.CS-5873-2018, titled as “*Jagmeer Singh and another v. Gopal Singh and others*”. He is aggrieved by the order dated 15.02.2024 (Annexure P-7) passed by learned Civil Judge (Jr. Divn.), Jalandhar, whereby his application to implead subsequent purchaser as party to the civil suit, has been dismissed.

2 Suit for declaration was filed by plaintiff – Jagmeer Singh and Inderjit Kaur (respondent Nos.1 and 2 herein) to the effect that they alongwith proforma defendants are the absolute owner in possession of the suit property, wherein defendants did not have any right, title and interest. Plaintiff challenged the sale deed executed by Gurwinder Singh in favour of defendant No.1, thus questioning the title of the defendant over the property in dispute.

3. Defendant No.1 contested the suit and during pendency of the suit, he moved an application to implead the subsequent buyers of the suit

property. According to him, plaintiff as well as proforma defendant No.3 were having knowledge that suit property had been transferred during the pendency of the suit, inasmuch as defendant No.3 had sold the property to the subsequent buyers. The names of those subsequent buyers are already recorded in the revenue record and therefore, they are liable to be impleaded.

4. Plaintiffs opposed the application submitting that subsequent buyers, who purchased the property during the pendency of the suit, were not liable to be impleaded.

5. Learned Trial Court observed that in case any sale transaction takes place during the pendency of the suit, as per settled law, the principle of *lis-pendens* shall be applicable, in case the sale has been made without seeking prior permission of the Court.

6. Learned counsel for the petitioner relies upon “***Dhurandhar Prasad Singh v. Jai Prakash University***”, 2001(4) R.C.R.(Civil) 280, so as to contend that when there is devolution of interest during pendency of the suit, then it is the duty of the defendant or the person acquiring interest of the defendant to contest.

7. I am afraid that contention of learned counsel for the petitioner-defendant No.1 has no merit. Interestingly, it is not any of the subsequent buyers, who had approached the Court to be impleaded as party, rather it is defendant No.1, who sold the property and then sought impleadment of the subsequent buyers. It is not disputed by learned counsel for the petitioner that property has been sold during the pendency of the suit. In the circumstances, principle of *lis-pendens* as contained under Section 52

of the Transfer of the Property Act, 1882, shall be applicable. There is no ground to intervene in the impugned order passed by the Trial Court. As such, present petition is dismissed.

July 25, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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