



137

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

CR-4384-2024

Date of decision: 06.08.2024

Geeta Devi

...Petitioner

Versus

Amandeep @ Amandeep Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anurag Gupta, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 23.07.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Kaithal vide which the application under Order 1 Rule 10 CPC filed by respondent No.1 was allowed.

2. Respondent No.1 had filed a suit for declaration with joint possession and permanent injunction against the petitioner who was defendant No.3 in the suit and against other defendants. During the pendency of the suit, an application was filed by respondent No.1-plaintiff under Order 1 Rule 10 CPC to implead Smt. Mesri wife of Mahabir as defendant in the suit on the plea that during the pendency of the suit, defendant No.3 had further sold the land in dispute vide sale deed No.3513



dated 16.02.2023 in favour of the said person who was proposed to be added as defendant in the suit. It was further averred that the said Smt. Mesri was claiming rights on the basis of the said sale deed and thus, for proper and final adjudication of the case, it was prayed that she be made a party to the suit.

3. The trial Court vide order dated 23.07.2024, allowed the said application and ordered the impleadment of the said Smt. Mesri as defendant No.3-A. While allowing the said application, it was observed that in order to effectively decide the case, it would be necessary that the said Smt. Mesri be made a party. It was further observed that the said Smt. Mesri was a necessary party for just decision of the case and an effective decree can be passed in case she is party to the proceedings. It is the said order which has been challenged in the present revision petition.

4. Learned counsel for the petitioner could not dispute the fact that the suit land has been sold during the pendency of the suit to the said Smt. Mesri, but has submitted that as per the sale deed, in addition to the petitioner another co-sharer i.e. Gurwinder Singh had also sold his share, although the same was not a part of the suit land. The said argument does not in any way call for setting aside of the impugned order. It is a matter of settled law that lis pendens purchaser can be made a party to make submissions, which can be made by his vendor, as he steps into the shoes of the vendor. In the present case, it is the plaintiff who had moved the application for impleadment of the lis pendens purchaser and the same would help the Court in passing an effective decree, in case the pleas of the plaintiff are accepted and the same would also avoid multiplicity of

litigation. Moreover, by virtue of the said impleadment, it is only the suit of the plaintiff which would got delayed and no prejudice would be caused to the defendant No.3/petitioner.

5. Keeping in view the abovesaid facts and circumstances, finding no merit in the present revision petition, the same is dismissed.
6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.08.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No