



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

CR-110-2025 (O&M)

Date of decision : 30.01.2025

Harjot Singh

...Petitioner

Vs.

Anil Gupta

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Abhivadya Sood, Advocate for
Mr. Dhruv Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is stated to have purchased a part of the suit property vide three registered sale deeds dated 22.12.2015, 10.02.2020, 28.08.2020. The respondent Sh. Anil Gupta has filed a suit for possession by way of specific performance of agreement to sell against Sh. Gurdeep Singh who has died. The sale deed in favour of the petitioner is filed by heirs of Sh. Gurdeep Singh. Sh. Gurdeep Singh or his legal representatives were proceeded against the *ex parte*. The petitioner filed an application for impleadment, which had been dismissed by the trial Court.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. Learned counsel representing the petitioner submits that the



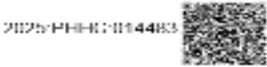
petitioner has an interest in the suit property, hence, he should be given opportunity to defend the case, particularly, when the original defendant was proceeded against *ex parte*. He relies upon the judgment passed by the Supreme Court in '**Thomson Press (India) limited vs. Nanak Builders and Investors Private Limited and others**', 2013 (5)SCC 397.

4. *Per contra*, learned counsel representing the respondent submits that the petitioner is not a party to the agreement to sell and if he is impleaded as party it will lead to opening of a pandora box. He further submits the petitioner's remedy is to file proceedings against heirs of Sh. Gurdeep Singh.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. At present the suit is pending. The petitioner herein is a purchaser of the property by registered sale deeds. If the decree is passed in favour of plaintiff, it is the petitioner who would suffer. Hence, he should be given opportunity to defend the case. In any case, the plaintiff has failed to show the prejudice caused to him if the application is allowed. In **Thomson Press's** case (supra), the Supreme Court after considering various aspects of the case ordered impleadment on the ground that such subsequent purchaser should be given opportunity to defend the suit. Moreover, in this case, though the defendant was proceeded against *ex parte*, however, subsequently, heirs of defendant have filed an application for setting aside his impleadement application. Be that as it may.

7. In view of the aforesaid discussion, the revision petition is allowed. The impugned order is set aside and the petitioner is ordered to be



impleaded as one of the defendants.

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

30.01.2025	(ANIL KSHETARPAL)		
neeraj	JUDGE		
	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No