



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

CR No.2783 of 1999

Date of decision : 08.07.2025

PURAN CHAND & ORS

....Petitioners

Versus

GURNA SINGH & ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashwani Kumar Chopra, Senior Advocate with
 Mr. Damanjeet Singh Sangar, Advocate for the petitioners.

 Mr. Padam Kant Dwivedi, Advocate and
 Ms. Mansi, Advocate for respondents No.8 to 10.

PANKAJ JAIN, J. (ORAL)

Instant petition is directed against order dated 04.03.1999 passed by Addl. District Judge, Muktsar whereby appeal preferred by the petitioners has been partly allowed *qua* impleadment of Gurnam Singh but rejected *qua* Munish Bansal.

2. Plaintiffs filed suit seeking decree of declaration to the effect that they along with defendants No.8 and 9 are owners of the property as detailed out in the headnote of the plaint and that the sales effected by defendant No.1 through defendant No.2 in favour of defendants No.3 to 6 and further sale by defendant No.3 in favour of defendant No.7, are illegal, void and not binding upon the rights of the plaintiffs and defendants No.8 and 9. Further prayer was for grant of decree of possession.



3. During the pendency of the suit, order dated 15.11.1996 was passed whereby Gurnam Singh and Munish Bansal were ordered to be substituted as plaintiffs being purchasers of the suit property during the pendency of the suit. The application was allowed vide said order observing that application is not opposed by the opposite party. However, the contesting defendants filed appeal wherein they controverted the factum of not contesting the application.

3.1. In the appeal, the Lower Appellate Court observed as under:

4. It is to be observed that the original plaintiffs. i.e. respondents No.3 to 13 in the plaint had claimed themselves to be the owners of the disputed property through a compromise 09.10.1952 delivered by Sub Judge Ist Class, Ferozepore. The appellants had not passing of the said statement though the regarding entire suit property was decree in disputed the written the decree dated claim of the plaintiffs denied. The plaintiffs/ respondents No. 3 to 13 had challenged the sales effected by appellant No.1 through appellant No.2 in favour of respondents No.14 17 and further sale by respondent No.3 in of respondent No.18 on the ground that were illegal, null and void and were not the same favour to binding upon their rights. So far as execution of the sale deed dated 04.11.1996 by respondents No.3 to 13 in favour of the respondents Gurnam Singh and Manish Kumar is concerned, the same has not been disputed by these respondents. Thus it can be inferred that respondents No.3 to 13 have transferred their interest in the suit property in favour of respondents No.1 and 2. In Lal Chandra & Ors. Versus District Judge, Janupur & Ors. 1995 Civil Court Cases 585. (Allahabad), it was observed that where plaintiff had become a Sadhu and executed sale deed of the suit land in favour of respondents No.5 to 7, there will be no. one to prosecute the suit, if the respondents Nos.5 to 7 were not impleaded under Order 22 Rule 10 C.P.C. In Laiq Ram Vs. Mithan



Lal etc. 1959 P.L.R.8(DB), it was observed that an assignee can be brought on record only to continue suit or appeal. Thus there is no illegality in the impugned order while allowing the application. However, it is to be observed that the interest in the suit property is alleged to have been transferred in the name of Gurnam Singh and Munish Bansal but Munish Bansal has neither filed any application nor any counsel has appeared on his behalf. In such circumstances, so far as the impugned order permitting Munish Bansal to continue the suit is concerned, cannot sustain.

5. As a result, of the foregoing reasons, the appeal is partly accepted and the order with respect to the permission of Munish Bansal to continue the suit is set aside. The appeal with respect to Gurnam Singh is, however, dismissed with no order as to costs.”

4. Mr. Chopra submits that the respondent has been allowed to continue the suit without there being any finding as to what property he has purchased and under which sale deed he has purchased. He submits that the order being totally bereft of the necessary facts, cannot be sustained. The matter came up before this Court on 02.06.1999. Since then the trial is lying stayed.

5. Keeping in view the entirety of the circumstances, this Court finds it apt to set aside the impugned order passed by the Trial Court as well as the order passed by the Additional District Judge, dated 4th of March, 1999 and direct the Trial Court to decide the application, if any, filed by Munish Bansal and/or Gurnam Singh under Order XXII Rule 10 CPC afresh in accordance with law.



- 6. The necessary exercise be conducted within a period of one month. The parties shall appear before the Trial Court on **29.07.2025**.
- 7. The instant revision petition is disposed off accordingly.

July 08, 2025					(Pankaj Jain)
Dpr					Judge
	Whether speaking/reasoned	:		Yes/No	
	Whether reportable	:		Yes/No	