



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

CR-3611-2019

Date of decision : 21.04.2025

Rajinder Kaur and others

... Petitioners

Versus

Kartar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Parminder Singh, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 23.05.2019 vide which the application moved by the petitioners for impleading as necessary and proper party being purchaser of the suit property has been dismissed.

2. Learned counsel for the petitioners has submitted that in the present case the judgment and decree was passed in favour of the plaintiff on 27.01.2015 and mutation was also sanctioned on the basis of said judgment and thereafter the petitioners had purchased the property on 17.06.2015 and 22.06.2015 and it is only thereafter that the defendants had filed an appeal on 03.07.2015. It is submitted that even in case the petitioners are not impleaded as party under Order 1 Rule 10 CPC, then also the petitioners would have right to be impleaded in the appeal under Order



22 Rule 10 CPC so as to protect their interest.

3. A perusal of the impugned order would show that the petitioners had apparently moved an application under Order 1 Rule 10 read with Section 151 CPC for being impleaded as a party. In the impugned order dated 23.05.2019, it has been observed that the petitioners had purchased the property after the mutation no.3111 was got entered and sanctioned on the basis of the judgment and decree which was under challenge. It was further observed that the petitioners had stepped into the shoes of their vendor and they could not claim any independent right from their vendor. The aspect of the petitioners becoming the party so as to support the stand of the predecessor-in-interest in the appeal has not been considered by the Court since the application has only been moved by the petitioners under Order 1 Rule 10 CPC.

4. Learned counsel for the petitioners has submitted that in view of the same, the petitioners be permitted to withdraw the present petition with liberty to the petitioners to move application under Order 22 Rule 10 read with Section 151 CPC for being impleaded as party in the appeal so as to raise the same pleas which could be raised by his predecessor-in-interest i.e., the plaintiffs as the plaintiffs who have already sold the property may be disinterested or may collude with respondent no.1-Kartar Singh and respondent no.2-Kuldeep Singh.

4. In view of the same, the present petition is dismissed as withdrawn with the aforesaid liberty.

5. In case the petitioners file the said application within a period



of one week from today, the Ist Appellate Court is requested to decide the same as expeditiously as possible.

(VIKAS BAHL)
JUDGE

April 21, 2025.
Davinder Kumar

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