

**CR-3631-2024****-1-****114****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-3631-2024****Date of decision:-15.01.2025**

Majidan

...Petitioner

Versus

Mehmoodi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Amit Jain, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for setting aside order dated 16.05.2024, Annexure P5, passed by the learned Civil Judge (Jr. Divn.), Ferozepur Jhirka whereby application under Order 1 Rule 10 CPC filed by him for being impleaded as a party to the suit, has been declined.

2. Counsel for the petitioner submits that a suit for possession by way of specific performance of agreement to sell dated 21.06.2016 was filed by Mehmoodi, respondent No.1, against Anish and Smt. Rashidan, respondents No.2 and 3, claiming that she had entered into an agreement to purchase the suit land measuring 4 kanals for a consideration of Rs.10 lakhs, out of which Rs.6 lakhs was paid as earnest money and the balance was to be paid at the time of registration of the sale deed. Counsel claims that on 25.07.2016, respondent No.2 sold the land to respondent No.3 and after the filing of the suit on



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26.07.2017, the suit land was further sold to the petitioner by way of sale deed dated 04.07.2022 for a consideration of Rs.13 lakhs. Counsel asserts that both respondents No.2 and 3 were proceeded against ex-parte, and as the possession of the suit land has been delivered to the petitioner, he has an interest in the property under litigation. He urges that an application moved by him for being made a party, has been erroneously rejected by the Trial Court.

3. I have heard counsel for the petitioner and considered his submissions besides examining the documents placed on the record.

4. Despite notice and service, respondents have not put in appearance. As the petitioner claims to be subsequent vendee of the property in dispute, he has a direct interest in the litigation. He is necessary and proper party to the proceedings. Record placed before this Court shows that the suit is not being contested by respondents No.2 and 3 and in case it is decreed, interest of the petitioner would be adversely affected. Trial Court has erred in coming to the conclusion that as the petitioner is a subsequent vendee, he is not required to be impleaded. This Court is of the view that the petitioner is a necessary and proper party to the suit and deserves to be impleaded as a party. Impugned order passed by the Trial Court cannot be sustained and is set aside. Petitioner is ordered to be impleaded as defendant No.3 in the civil suit.

5. Petition is disposed off.

(SUVIR SEHGAL)
JUDGE

15.01.2025

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No