



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

(120)

CR-8352-2025 (O&M)
Date of Decision:-**09.12.2025**

KEWAL SINGH AND ANOTHER

... Petitioners

Versus

SHER SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Rai Singh Chauhan, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioners have invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India through the present revision petition, assailing the order dated 20.10.2025 (Annexure P-6). By the impugned order, the learned trial Court allowed the impleadment of a subsequent purchaser as a party to the suit, a course of action which the petitioners contend to be legally untenable and contrary to the settled principles governing the addition of parties.

2. Briefly stated, the facts giving rise to the present revision petition are that the respondents instituted a suit seeking a decree of permanent injunction to restrain the petitioners—defendants from alienating or otherwise encumbering a specifically valuable portion of the suit property, as well as from delivering possession thereof to any third party. The respondents asserted that the suit land constitutes joint property of the



parties, and therefore any act of unilateral alienation by the petitioners would be impermissible and prejudicial to their co-ownership rights.

3. The petitioner contested the suit by filing a comprehensive written statement, asserting that the action was not maintainable and further contending that he was in exclusive possession of half share of the property. He pleaded that, pursuant to an exchange deed dated 07.04.2017, there had been a rearrangement of the holdings, whereby he had come into exclusive possession of the suit land in his capacity as a co-owner. Consequent upon the completion of pleadings, issues were duly framed and both sides were afforded adequate opportunities to adduce evidence. After the petitioner–defendant had concluded his evidence and the matter stood posted for rebuttal evidence and final arguments, the plaintiff moved an application seeking to implead his sons, Sanjeev Kumar and Suresh Kumar, as plaintiffs No. 2 and 3, asserting that he had executed a transfer deed dated 16.08.2023 in their favour, thereby necessitating their addition as parties to the proceedings.

4. Although the petitioner vehemently opposed the said application, the learned trial court nonetheless proceeded to allow it. The impugned order is now under challenge on the ground that, even assuming the subsequent purchasers have acquired a co-sharership in the suit property, their rights remain independent and distinct, and they cannot, in law, be substituted or impleaded as plaintiffs in the existing suit. At best, they could have been brought on record, if at all necessary, only in the capacity of defendants. It is contended that the learned trial court adopted an erroneous and legally unsustainable approach, rendering the impugned order perverse and liable to be set aside.



5. I have carefully heard the submissions advanced by the learned counsel for the petitioners and have conducted a meticulous and thorough examination of the entire record, aided ably by the valuable assistance rendered by the learned counsel.

6. In the present case, the plaintiff filed an application seeking the impleadment of his sons, Sanjeev Kumar and Suresh Kumar, as co-plaintiffs alongside him, on the ground that he had transferred his share in the joint family property to them by way of a transfer/settlement deed dated 16.08.2025. The learned trial court allowed the said application.

6.1. It was contended by the learned counsel for the petitioners that the impugned order is legally untenable, inasmuch as the suit is one for permanent injunction and the cause of action is personal to the plaintiff. The contention further emphasized that a subsequent purchaser cannot, as a matter of right, seek impleadment in an ongoing suit. In support of this proposition, reliance was placed upon the judgment of the Hon'ble Apex Court in **H. Anjanappa and others v. A. Prabhakar and others**, AIR 2025 SC 924, wherein the Hon'ble Court has elucidated certain guiding principles regarding the impleadment of subsequent purchasers during the pendency of a suit, as set out in Paragraph 58 of the judgment, which reads as follows:-

“58. From a conspectus of all the aforesaid judgments, touching upon the present aspect, broadly, the following would emerge:

- i First, for the purpose of impleading a transferee pendente lite, the facts and circumstances should be gone into and basing on the necessary facts, the Court can permit such a party to come on record, either under Order 1 Rule 10 CPC or under Order XXII Rule 10 CPC, as a general principle.



- ii. Secondly, a transferee pendente lite is not entitled to come on record as a matter of right.
- iii. Thirdly, there is no absolute rule that such a transferee pendente lite, with the leave of the Court should, in all cases, be allowed to come on record as a party,
- iv. Fourthly, the impleadment of a transferee pendente lite would depend upon the nature of the suit and appreciation of the material available on record,
- v. Fifthly, where a transferee pendente lite does not ask for leave to come on record, that would obviously be at his peril, and the suit may be improperly conducted by the plaintiff on record;
- vi. Sixthly, merely because such transferee pendente lite does not come on record, the concept of him (transferee pendente lite) not being bound by the judgment does not arise and consequently he would be bound by the result of the litigation, though he remains unrepresented.
- vii. Seventhly, the sale transaction pendente lite is hit by the provisions of Section 52 of the Transfer of Property Act; and,
- viii. Eighthly, a transferee pendente lite, being an assignee of interest in the property, as envisaged under Order XXII Rule 10 CPC, can seek leave of the Court to come record on his own or at the instance of either party to the suit.”

7. In the present suit, the respondent–plaintiff has sought a decree of permanent injunction against the petitioner in respect of the property in dispute. During the pendency of the proceedings, the plaintiff transferred his interest in the suit property to his sons, who were subsequently impleaded as co-plaintiffs alongside the original plaintiff. It is well settled that the plaintiff, being the master of his own suit and the *Dominus Litis*, possesses the prerogative to manage the course of the proceedings in relation to his rights.



Where, during the pendency of the suit, he transfers his interest in the subject matter to another, the transferees, though not necessary parties, would constitute proper parties, as the adjudication in the suit would be binding upon them in view of the principles of *lis pendens*.

7.1. In the present case, the learned trial court, exercising the discretion vested in it under the relevant provisions of civil procedure, permitted the impleadment of the plaintiff's sons as co-plaintiffs. Such exercise of discretion cannot be characterized as arbitrary, illegal, or perverse, and therefore does not warrant interference in the revisional jurisdiction of this Court.

7.2. In light of the foregoing, the instant revision petition is devoid of merit and is accordingly dismissed.

8. However, the observations made here-in-above shall not, in any manner, be construed as expressing any opinion on the merits of the main controversy. The same are strictly confined to the limited issue arising in the present revision petition and the deliberations thereon.

9. Consequent to the adjudication of the principal matter, all pending miscellaneous applications, if any, are also disposed of as a necessary corollary, with no further orders required.

09.12.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No