

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

**Civil Revision No. 6194 of 2007**

**Date of decision : November 30, 2007**

Amrik Singh

....Petitioner

versus

Anokh Singh and others

....Respondents

**Coram: Hon'ble Mr. Justice Pritam Pal**

Present : Ms B.P.K. Brar, Advocate, for the petitioner

**Pritam Pal,J. (Oral)**

Petitioner has brought this revision petition under Article 227 of the Constitution of India for setting aside order dated 28.8.2007 (Annexure P/3) passed by Additional Civil Judge (Senior Division), Zira whereby his application under Order 1 Rule 10 CPC for impleading him as defendant in the suit, has been dismissed.

Without going into details, suffice it to say that the petitioner before the trial court wanted to be impleaded as defendant on the ground that he had purchased some of the suit property. It is pertinent to mention here that the suit filed in the year 1999 by the respondents-plaintiffs is for declaration and the petitioner is stated to have purchased some of the suit property in the year 2003 i.e. during the pendency of the suit whereas petitioner moved an application under Order 1 Rule 10 CPC for being

impleaded as one of the defendants in the year 2006.

In view of the principle of lis-pendense laid down under section 52 of the Transfer of Property Act and keeping in view the fact that petitioner had moved the application after a long span of three years of his purchasing some part of the suit property and also taking into consideration the fact that he is, in fact, not a necessary party for the proper adjudication of the matter in issue between the parties, this revision petition is dismissed in *limine*.

**November 30, 2007**  
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**( Pritam Pal )**  
**Judge**