

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

C.R. No.1272 of 2008  
Date of Decision: 29.2.2008

Gurpreet Singh and another .....Petitioners

Vs.

Randhir Singh and another ...Respondents

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CORAM : HON'BLE MR.JUSTICE RAJIVE BHALLA

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Present : Mr.Arun Palli, Sr.Advocate with Mr.Jai Bhagwan, Advocate  
for the petitioner.

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**RAJIVE BHALLA, J (Oral)**

Counsel for the petitioners asserts that as the suit land was purchased during the period the suit remained dismissed for default, the petitioners are necessary/proper parties and, therefore, the trial Court erred in dismissing the application filed under Order 1 Rule 10 of the CPC.

The petitioners have admittedly purchased the suit land during the period the suit was dismissed in default. Upon restoration, a suit is restored to its original stage and, therefore, the petitioners would be deemed to be vendees pendente lite. In view of the judgements of Hon'ble the Supreme Court in **Sunil Gupta V. Kiran Girhotra and others**, 2007(4) CCC 813 (SC) and **Sanjay Verma V. Manik Roy and others**, 2007(1) CCC 401 (SC), a vendee pendente lite is neither a necessary nor a proper party to the pending lis. The learned trial Court, therefore, rightly dismissed their application for being impleaded as parties. No merit Dismissed.

However, as the petitioners claim an assignment of interest in

the suit property, they may, if so advised and law so permitting, file an appropriate application under Order 22 Rule 10 of the C.P.C. or an independent suit, if permissible in law.

29.2.2008  
Mamta/GS

( RAJIVE BHALLA )  
JUDGE