



CR-2321-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CR-2321-2025

Reserved on:08.05.2025

Pronounced on:06.08.2025

RAM RATTAN AND OTHERS

..PETITIONERS

VERSUS

VELOCITY CHEMICALS PVT. LTD. & ANR. ..RESPONDENTS

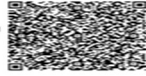
CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kamal Sharma, Advocate &
Mr. Raja Sharma, Advocate
for the petitioners.

Mr. Aashish Chopra, Senior Advocate with
Mr. Dhruv Kapur, Advocate,
Mr. Rajan Kohli, Advocate and
Ms. Rupa Pathania, Advocate
for caveator/respondent No.2.

SUVIR SEHGAL, J.

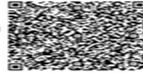
1. Assailing order dated 20.03.2025 passed by Civil Judge (Junior Division), Panipat, petitioners/defendants No.1 to 3 have approached this Court by way of instant revision petition.
2. Counsel for the petitioners submits that respondent No.1/plaintiff filed a suit for separate possession by way of partition by metes and bounds to the extent of 253/273 share in land measuring 40 bigha 19 biswa in village Chandoli, Tehsil and District Panipat, claiming to be in



CR-2321-2025

-2-

joint possession of the land with petitioners/defendants No.1 to 3. Counsel submits that plaintiff averred that defendants No.1 to 3 are owners of 3 bigha 0 biswa land in Khasra No.844, which was purchased by them by sale deed dated 03.06.1996 from Sube Singh and due to the joint holding of the parties, plaintiff is facing a hardship in maintaining the land. Counsel states that the suit is being contested by the said defendants by taking various objections, including an objection to the effect that the suit for partition is not maintainable. He submits that a specific stand has been taken that the possession is not joint and the defendants are exclusive owners in possession of 3 bigha land in Khasra No.844. Counsel submits that during the pendency of the suit, an application, Annexure P-4, under Order 1 Rule 10, CPC, was filed by respondent No.2, which was contested by the petitioners, but has been accepted by the Trial Court vide the impugned order. Counsel urges that applicant/respondent No.2 is neither a necessary nor a proper party to the suit as it has purchased some part of the suit land during the pendency of the litigation and it can file a separate suit. It has been argued that the application has been filed at a belated stage to delay the proceedings and the suit is at the stage of rebuttal evidence. Reliance has been placed upon the judgement of the Supreme Court in *H. Anjanappa and others Vs. A. Prabhaker and others* 2025 SCC Online SC 183. Counsel for the petitioners has urged that plaintiff/respondent No.1 suppressed the factum of the alleged sale deed dated 03.07.2024, from the Court. He has referred to the affidavit of Surender Kumar, PW1/A, who deposed on 04.12.2024 that the suit land is joint between the parties. Counsel for the petitioners has emphasised that the plaintiff is liable for to be proceeded against under Section 379, BNSS, for



CR-2321-2025

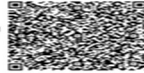
-3-

perjury.

3. Opposing him, learned counsel for applicant/respondent No.2, who is on caveat, has stressed that his presence is necessary before the Court as any decision rendered in the *lis* is likely to affect his rights. Counsel submits that applicant/respondent No.2 has purchased 35 bigha 3 biswa, out of the suit land vide sale deed dated 03.07.2024, which has been duly registered and mutation has been entered in its name. Counsel submits that the defendants do not have any concern with the land purchased by respondent No.2 from the plaintiff, who does not have any objection to the impleadment. With referring to *H. Anjanappa's case(supra)*, he has placed reliance upon *Savitri Devi Vs. District Judge, Gorakhpur and another (1999) 2 SCC 577*; *Amit Kumar and another Vs. Farida Khatoon and another (2005) 11 SCC 403*, and *Thomson Press (India) Limited Vs. Nanak Builders and Investor Private Limited and others (2013) 5 SCC 397*.

4. I have heard counsel for the parties and considered their submissions, besides, examining the pleadings and documents relied upon by them.

5. Order 1 Rule 10, CPC, has been subject matter of interpretation in numerous judgements. In *Savitri Devi's case (supra)*, Supreme Court observed that Order 1 Rule 10, CPC, enables the Court to add any person as party at any stage of the proceedings, if the person whose presence before the Court is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is one of the objectives of the said



provision in the Code. A transferee *pendente lite* of an interest in an immovable property, which is the subject matter of the suit has a right to be impleaded as a party in the proceedings. In *Amit Kumar's case(supra)*, Supreme Court held that on a combined reading of Order 1 Rule 10, CPC; Order 22 Rule 10, CPC, and Section 52 of the Transfer of Property Act, 1882, shows that a subsequent purchaser cannot be non-suited altogether if he has a direct interest in the suit property. Such a right would necessarily include an enforceable legal right. Similar opinion has been expressed by the Supreme Court in *Thomson Press India Ltd's case (supra)*.

6. In *H. Anjanappa's case(supra)*, Supreme Court analysed the case law and came to the following conclusion:-

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

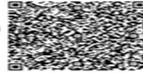
i. First, for the purpose of impleading a transferee pendente lite, the facts and circumstances should be gone into and basing on the necessary facts, the Court can permit such a party to come on record, either under Order I Rule 10 CPC or under Order XXII Rule 10 CPC, as a general principle;

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



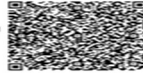
not ask for leave to come on record, that would obviously be at his peril, and the suit may be improperly conducted by the plaintiff on record;

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. Insofar as the present case is concerned, plaintiff/respondent No.1 has filed a suit for separate possession by way of partition claiming that it is owner of 37 bigha 19 biswa land, which is joint with defendants No.1 to 3, who are in possession of 3 bigha 0 biswa land in Khasra No.844 as per revenue record. Out of the land owned by the plaintiff, it has sold 35 bigha 3 biswa vide a registered sale deed and mutation has been entered in favour of respondent No.2. Pleadings of the parties clearly reflect that defendants No.1 to 3 have no concern with the land owned by the plaintiff as they have pleaded that they are in exclusive owners in possession of their portion. Decision of the application for being impleaded as a party hinges on the determination of the question as to whether respondent No.2 is a necessary or proper party to the suit. Purchase of land by respondent No.2 during the pendency of the litigation has not been disputed by defendants



CR-2321-2025

-6-

No.1 to 3, though, it has been argued by them that plaintiff has suppressed this development from the Court and has filed a false affidavit. It is, therefore, apparent that respondent No.2 is a transferee *pendente lite* and has purchased a substantial chunk of suit land from the plaintiff, who does not oppose his impleadment. Respondent No.2 has a legally enforceable right. Any decision taken in the civil suit is likely to affect its rights and its presence before the civil Court is a must to enable the Court to determine the dispute. Respondent No.2 is, therefore, a necessary and proper party to the proceedings before the Trial Court. An application for impleadment can be filed at any stage of the suit and application, Annexure P-4, cannot be said to be belated or mala fide. There is no perversity or illegality in the order passed by the Trial Court. Insofar as the allegation of defendants No.1 to 3 qua the falsity of affidavit filed by the plaintiff is concerned, it is always open to them to initiate appropriate proceedings against the plaintiff in accordance with law.

8. For the reasons recorded above, there is no merit in the revision petition, which is dismissed, though with no order as to costs.

06.08.2025

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No