



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

CR-6600-2025

DECIDED ON: 29.09.2025

SARABJIT KAUR AND OTHERS

.....PETITIONERS

VERSUS

BALJIT KAUR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been filed by the petitioners challenging the impugned order dated 20.05.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application filed by respondent No.5-Amit Walia under Order I Rule 10 CPC for impleading him as a party in the suit was allowed.

2. Since a short question is involved in this case, no notice is required to be issued to the respondents.

3. The facts, in brief, are that the plaintiffs instituted a civil suit on 18.05.2024 seeking declaration, mandatory injunction and permanent injunction, in which they challenged the sale deed dated 08.09.2022 executed by defendant no.1 in favour of defendant no.2 with regard to the suit property. On 20.05.2024, the learned trial court passed an interim order restraining the defendants from alienating the suit property. This order was also duly recorded in the revenue entries vide rapat no.720 dated 27.05.2024.

4. Despite the pendency of the suit and the subsistence of the restraint order, defendant no.2 executed a registered sale deed dated 05.06.2024 in favour of Amit Walia. The said purchaser thereafter moved an application under Order I Rule 10 CPC for being impleaded as a party, claiming to be a *bona fide* purchaser for valuable consideration. He alleged that he had made due enquiries from the revenue record regarding the vendor's title and, being satisfied, purchased the suit property for value.

5. The plaintiffs opposed the application, contending that the applicant was only a subsequent purchaser during the pendency of the suit, and his alleged rights were hit by the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act, 1882. They argued that such a purchaser is neither a necessary nor a proper party to the litigation and that any decree passed in the suit would bind him irrespective of impleadment. It was specifically contended that the sale deed dated 05.06.2024 was executed despite a subsisting injunction order of the Court, which had already been recorded in the revenue record. Reliance was placed upon the judgment of the Hon'ble Supreme Court in '***Vidur Impex and Traders Pvt. Ltd. v. Tosh Apartments Pvt. Ltd.***', (2012) 8 SCC 384.

6. The learned trial court, however, allowed the application, observing that though the applicant had admittedly purchased the property during pendency of the litigation, the question whether he was a *bona fide* purchaser for value could be decided only during trial after evidence was led. On that reasoning, the trial court impleaded him as a party to the suit.

7. Learned counsel for the petitioners has submitted that the impugned order suffers from a patent error of jurisdiction. It is argued that the only undisputed fact relevant to the present controversy is that the

alleged sale deed in favour of the applicant was executed on 05.06.2024, i.e., during the pendency of the suit instituted on 18.05.2024. Whether or not the applicant had knowledge of the pendency of the suit or of the interim injunction is wholly immaterial because the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act applies irrespective of such knowledge. Once the property is subject matter of a pending litigation, no rights greater than those of the transferor can pass to the transferee.

8. It is further submitted that the trial court erred in holding that the presence of the applicant was necessary for complete adjudication. The issues in the suit can be effectively decided between the plaintiffs and the defendants to the impugned sale deed dated 08.09.2022. The applicant is at best a transferee pendente lite, who is bound by the result of the litigation, and his presence is not required for passing an effective decree. Learned counsel has relied on ***Vidur Impex's case (supra)***, to contend that a transferee pendente lite is neither a necessary nor a proper party to such a suit.

9. Having considered the submissions and on perusal of the record, this Court finds that the impugned order cannot be sustained. The pivotal and undisputed fact is that the applicant claims rights on the basis of a sale deed dated 05.06.2024, whereas the civil suit had already been instituted on 18.05.2024, challenging the earlier transaction between defendant no.1 and defendant no.2. Thus, the applicant squarely falls within the category of a transferee pendente lite.

10. The doctrine of *lis pendens*, embodied in Section 52 of the Transfer of Property Act, is founded on the principle that the subject matter of a pending litigation must be preserved until the rights of the parties are

finally adjudicated. It bars parties from transferring or dealing with the property in dispute so as to prejudice the rights of the other party under the decree that may be passed. The operation of the doctrine is not dependent on the transferee's actual knowledge of the suit; constructive notice is enough. Therefore, whether or not the applicant had knowledge of the pendency of the litigation or the interim injunction is wholly immaterial at this stage.

11. A transferee pendente lite, as repeatedly held by the Hon'ble Supreme Court, is bound by the decree passed in the suit even if he is not impleaded as a party. In *Vidur Impex's case (supra)*, it was categorically laid down that purchasers who acquire property during the pendency of litigation or in violation of injunction orders are neither necessary nor proper parties to the suit. Their impleadment is not required for complete or effective adjudication of the issues between the original parties.

12. In the present case, the impleadment of the applicant is not necessary because the dispute in the suit is essentially between the plaintiffs and the original parties to the impugned sale deed dated 08.09.2022. The rights of the applicant, if any, flow from defendant no.2 and are subject to the decree that may be passed in the suit. His presence is not required to pass an effective decree. On the contrary, his impleadment would complicate the proceedings and frustrate the very object of Section 52 of the Transfer of Property Act, which is to prevent alienations during litigation.

13. Therefore, the trial court committed a manifest error in allowing the application under Order I Rule 10 CPC and in treating the applicant as a necessary party. The correct position in law is that the applicant is bound by the doctrine of lis pendens and will be governed by the outcome of the suit, even without being impleaded.

14. Accordingly, the impugned order dated 20.05.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, is set aside. The revision petition is allowed. The trial court shall proceed with the suit expeditiously in accordance with law without impleading the applicant as a party.

15. All pending miscellaneous application(s), if any, stands disposed of.

29.09.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No