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SLP(C)No. 11004 OF 2001

ITEM No.206

Court No. 3

SECTION XIV  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.11004/2001

(From the judgement and order dated 21/03/2001 in FAO 123/01  
of The HIGH COURT OF DELHI AT N. DELHI)

SUSHIL KUMAR BAGGA

Petitioner (s)

VERSUS

CHANDER KANTA SHARMA & ANR.

Respondent (s)

( With prayer for interim relief )  
( With office report )  
( For Final Disposal )

Date : 03/05/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mrs.Amita Gupta,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

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Heard counsel for few minutes.

Leave granted.

The appeal is allowed. There shall be no order as  
to costs.

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(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3295 OF 2002@@  
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(Arising out of S.L.P.(C) No. 11004 of 2001)

SUSHIL KUMAR BAGGA ... Appellant (s)

VERSUS

CHANDER KANTA SHARMA & ANR. ... Respondent (s)

O R D E R@@  
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Despite service of notice, no one appears on behalf of the respondents. We, therefore, proceed to decide the matter in the absence of the respondents.

Leave granted.

On 16th September, 1985 Smt. Chander Kanta Sharma executed an agreement for sale of the property in favour of one Diwan Chand Batra. It is alleged that on 16th June, 1986 the owner Smt. Chander Kanta Sharma entered into a subsequent agreement in favour of the appellant herein. On 31st July, 1986 Diwan Chand Batra filed a suit for specific performance for agreement of sale. In the said suit the appellant herein moved an application for impleadment as one of the defendants. The said application was rejected. Aggrieved, the appellant preferred an appeal before the High Court, but the same was rejected on the ground that the appellant was a subsequent vendee. It is against the said judgment, the appellant has filed this appeal.

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We have heard counsel for the appellant.

We find that the reasons given by the High Court that since the appellant is a subsequent vendee and, therefore, he is not entitled to be impleaded, is not a correct view of law. In that view of the matter, we set aside the order and judgment under challenge and permit the impleadment of the appellant in the suit. The trial court shall further permit the appellant to file written statement and thereafter proceed with the hearing of the suit.

The appeal is allowed. There shall be no order as to costs.

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.....J.  
(V.N. KHARE)

.....J.  
(ASHOK BHAN)

NEW DELHI  
MAY 03, 2002.