

ITEM NO.9

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6656/2022

(Arising out of impugned final judgment and order dated 10-01-2022 in CR No. 102/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

ANIL KUMAR SINGH

Petitioner(s)

VERSUS

PAPPU & ORS.

Respondent(s)

(FOR ADMISSION and IA No.54272/2022-EXEMPTION FROM FILING O.T.)

Date : 28-04-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Ashish Chaturvedi, Adv.
Mr. Arun Kumar Dwivedi, Adv.
Mr. K. K. Mohan, AOR

For Respondent(s)

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

We have heard Mr. Siddhartha Dave, learned Senior Advocate, appearing on behalf of the petitioner. He has relied upon the decision of this Court in the case of Gurmit Singh Bhatia vs. Kiran Kant Robinson And Others, 2020 (13) SCC 773 in support of his submission that even in a suit for specific performance, the subsequent purchasers should not be permitted to be joined, against the wish of the plaintiff, as the plaintiff is always the *dominus litus*. However, when we pointed out to him that it will always be in the interest of the plaintiff that the subsequent purchasers is also before the Court even in the suit for specific performance so

that in case any decree for specific performance is passed in that case the subsequent purchasers also can be bound by the same and to have the perfect title in favour of the plaintiff he may be also directed to be joined in the sale deed to be executed.

It was also pointed out that it may happen that the decree which may be passed in favour of the plaintiff may be a defective decree and the subsequent purchasers may subsequently take the plea that the decree which is passed in the present suit is not binding to them, more particularly, in the absence of any challenge to the subsequent registered sale deed in their favour.

Mr. Siddhartha Dave, learned Senior Advocate, under the instructions from his client, has stated at the Bar that the original plaintiff is ready to take the risk.

Issue notice, returnable on 19.07.2022.

Dasti, in addition, is permitted.

Counter, if any, to be filed on behalf of the subsequent purchasers as impleaders on or before 11.07.2022.

Till then, the proceedings before the learned trial Court are ordered to be stayed.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER