

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5587 OF 2008

[Arising out of SLP(C)No. 25716/2007]

JAGDISH PRASAD

... **APPELLANT(S)**

:VERSUS:

SHIV NATH AND ORS.

... **RESPONDENT(S)**

ORDER

Delay condoned.

Leave granted.

The High Court in passing the impugned judgment has committed a factual error in so far as it proceeded on the basis that the suit filed by the respondents herein was one under Section 77 of the Registration Act. Admittedly the suit was one for specific performance of contract. Section 19(b) of the Specific Relief Act, 1963 confers a legal right on a subsequent purchaser for value, without notice, to be impleaded as a party if the transaction is found to be bona fide.

..2/-

.2.

This aspect of the matter has been considered by this Court in Kasturi vs.

Iyyamperumal & Ors., [2005 (6) SCC 733]. In this view of the matter, there cannot be any doubt whatsoever, that as the appellant has a right to be impleaded as a party. The said prayer, therefore, should not have been rejected.

For the reasons aforementioned, the impugned judgment is set aside and the appeal is allowed. No costs.

**.....J.
(S.B. SINHA)**

**.....J.
(CYRIAC JOSEPH)**

**NEW DELHI,
SEPTEMBER 8, 2008.**