

# Doctrine of Lis Pendens

"Lis pendens" is a Latin term meaning "pending litigation." It embodies a legal doctrine that ensures no new rights or interests related to the subject of ongoing litigation are created or transferred.

This principle is founded on the legal maxim "ut lite pendente nihil innovetur," meaning "nothing new should be introduced into a pending litigation." Its core purpose is to maintain the status quo and prevent any party involved in the litigation from altering the subject matter of the dispute, potentially harming the other party.

property which is directly and specifically in question in the ongoing litigation.

If these conditions are met, any transfer or dealing with the disputed property during the pendency of the litigation is bound by the outcome of the case. This applies irrespective of whether the transferee had notice of the ongoing litigation.

## Effect and Justification

The doctrine serves to protect the integrity of the legal process by ensuring that the rights of litigants are not compromised by changes

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## Application of Lis Pendens

The application of the lis pendens doctrine is contingent on several conditions:

- **Pending Litigation:** There must be a suit or proceeding currently pending in a competent court.
- **Genuine Litigation:** The litigation must not be collusive; it should represent a genuine legal action.
- **Specific Subject Matter:** The dispute must concern a right to immovable

in the property's status during litigation. It aims to prevent uncertainty and preserve the ability to enforce judicial decisions. The rule of lis pendens binds any transferee of the property to the outcome of the litigation, thus ensuring that the final judgement or decree has binding effects even on third parties who acquire an interest during the litigation.

## Maintaining Judicial Integrity

The primary goal of lis pendens is to maintain the integrity of the legal process. By freezing the status of property under litigation, it prevents any party from unilaterally changing

the conditions that are being assessed by the court. This is vital as alterations could compromise the court's ability to render a fair and effective judgement based on the situation as it stood at the start of the litigation.

### Enforcing Judicial Decisions

One of the key functions of lis pendens is to preserve the enforceability of judicial decisions. By binding subsequent owners or interest holders to the results of the litigation, the doctrine ensures that the final judgement or decree will be effective against all parties.

### Exception to Lis Pendens

A notable exception to the lis pendens rule exists under Section 52, which allows for property transfers during litigation if permitted by the court. The court may authorise such transfers under specific conditions it deems

appropriate, ensuring the transaction does not prejudice the legal proceedings or the parties' interests. As established in notable cases like **Shivashankara vs HP Vedavyasa Char and G.T. Girish Vs Y. Subba Raju**, the exception applies only when the court sanctioned the transfer during the pendency of the suit.



In **G.T. Girish Vs Y. Subba Raju** it was held that transfer of property not void just because it is made during pendency of suit; but subject to outcome of case