

CNR No. DLCT01-000195-2025
Vijay Kumar vs Raj Rani Gupta & Ors.
RCT ARCT -1/2025

Vijay Kumar

....Appellant

vs

- 1. Raj Rani Gupta**
W/o Late Shri Daya Kishan Gupta
- 2. Atul Gupta**
S/o Late Shri Daya Kishan Gupta
- 3. Kapil Gupta**
S/o Late Shri Daya Kishan Gupta
- 4. Om Prakash Manchanda**
S/o Shri Des Raj Manchanda

.....Respondents

26.02.2026

Present: Sh. Rajat Aneja and Sh.Rishabh Jain, Ld. Counsels
for appellant.

Sh. H. S. Kohli and Sh.Raghav, Ld. Counsels for
respondent no.4.

Ms. Poonam, Ld. Counsel for respondent/ UOI

Sh. Varun Talwar and Ms.Sanya Arora, Sr. Law
Officers for UOI/CEPI.

An application under Order 1 Rule 10 CPC read with Section 151 CPC is pending disposal as moved on behalf of Assistant Custodian of Enemy Property, Government of India.

The present appeal has been filed by appellant Vijay Kumar against respondents Raj Rani Gupta, Atul Gupta, Kapil Gupta and Om Prakash Manchanda, arises from the impugned order dated 23.10.2024 whereby an application under Order 12 Rule 6 filed by the appellant (landlord) was dismissed.

By way of application under Order 1 Rule 10 CPC, following prayer is made:-

“In view of the aforesaid facts and circumstances, it is, therefore, most respectfully prayed that Applicant may be impleaded as a proper and necessary party and subsequently the present petition may be dismissed in view of the objections under Section 18 B read with Section 22A of the Enemy Property Act 1968.

And, such other or further orders as this Hon’ble Court may deems fit and proper in the facts and circumstances of the present case be also passed in favour of the applicant and against the petitioner to meet the ends of justice.”

It is stated that flat no.15 forming part of property no.2251, Raj Guru Road, Chuna Mandi, Paharganj is an enemy property vested in the custodian of enemy property by virtue of Government notifications. The jurisdiction of the civil court is disputed to deal with the subject matter where the provisions of Enemy Property Act are applicable. The subject property in the present matter is enemy property and therefore eviction could be initiated only in accordance with Public Premises (Eviction of Unauthorised Occupants) Act 1971 and Delhi Rent Control Act is not applicable.

During the course of arguments, it is submitted that Custodian of Enemy Property for India (CEPI) moved an application under Order 1 Rule 10 CPC before the court of Ld. ARC and the said application was dismissed vide order dated 27.05.2019. As per the trial court record, the following observations are made while dismissing the application:-

“In the considered opinion of this court, the applicant is neither the necessary party nor proper party for the purposes of disposal of the present petition. Again, it is the sole prerogative of the petitioner himself as to against whom he wants the particular relief. It becomes pertinent to mention here that if the petitioner intends to have the relief he himself is supposed to prove his case and in case he fails to do so, he would be out of court. Accordingly, the court cannot direct

the petitioner to fight against whom he has not claimed any relief. Moreover, this court being the court of Additional Rent Controller, title of any party is not to be decided by this court. If the applicant is impleaded as co-respondent, then it will change the nature of the proceedings. Hence, the application, being devoid of merits, stands dismissed.”

The said order was not challenged in appeal. However, before this court, in the present appeal, fresh application under Order 1 Rule 10 CPC is moved as mentioned above. Since this court is hearing appeal qua the impugned order dated 23.10.2024 which was passed with respect to controversy between appellant and respondents, there is no justification to implead Custodian of Enemy Property for India as party in the present proceedings. The application under Order 1 Rule 10 CPC is not maintainable before this court. Same is accordingly dismissed.

Matter is now to proceed for the arguments qua the impugned order dated 23.10.2024.

Put up for arguments on the present appeal on 25.04.2026.

(Anju Bajaj Chandna)
Principal District & Sessions Judge (Central)
Delhi/26.02.2026