

Case No. 1260/16

15.11.2017

Present: Counsel for plaintiff with plaintiff No. 2.

Sh. V. P. Masih, counsel for LR's of deceased defendant No. 1.

Sh. Paramjeet Singh, counsel for applicant Satbir Bhatia.

Heard and perused the earlier ordersheets as well as brief facts filed by the plaintiff on record.

This is a suit for possession filed under section 6 of Specific Relief Act in respect of alleged dispossession on 08.12.2011. Written statement was already filed in this case by the deceased defendant Kamla who was the sole defendant in this case.

In view of the application filed by the applicant Satbeer Kaur Bhatia seeking her impleadment, it appears that dispute arose inter-se the applicant and impleaded LR. Impleaded LR was impleaded on the basis of he being natural LR being the son.

The applicant is seeking her impleadment on the basis of a registered Will dated 13.01.2012 and averments in the Will as well as submissions made by counsel for applicant is that there was no issue of deceased defendant as it was the applicant and her husband who were taking care of deceased defendant.

It appears that the suit property was subsequently sealed by Ld. SDM on a complaint filed by the plaintiff after dispossession on 08.12.2017. The controversy between the applicant and impleaded LR primarily does not appear to have any bearing upon the issue in this case which is of alleged dispossession and deceased defendant has already filed the written statement. Let copy of the application filed by the applicant be also provided to counsel for impleaded LR.

Counsel for the applicant seeks some time to reflect or making further submissions on the application under order 1 rule 10 CPC.

Counsel for the plaintiff submits that even restoration application in the suit filed by husband of the defendant was subsequently filed by Sh. Anil Kumar and Ms. Kamla Devi on 17.11.1999.

It is submitted that in view of Sh. Anil Kumar having filed the restoration application along with deceased defendant Smt. Kamla Devi during her life time in the year 1999, there is no merit in the contention that Smt. Kamla Devi was not having any issue and present application is only for delaying the proceedings.

It is submitted by counsel for plaintiff that applicant Sh. Satbeer Kaur despite property being sealed enter into an agreement to sale of the suit property for Rs. 55 Lac for which an FIR has already been registered.

To come up for hearing counsels for impleading LR's and counsel for applicant on 10.01.2018.

(VIPIN KUMAR RAI)

Additional District Judge-03
East District/KKD Courts/Delhi
15.11.2017

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