

Case No. 1260/16

10.01.2018

Present: Sh. Jain Gopal Garg and Ms. Mamta, counsels for plaintiff with
Sh. Ajay Pahwa, son of the plaintiff No. 5.

Sh. Nand Kumar, proxy for Sh. V. P. Masih, counsel for LR Sh.
Anil of deceased defendant Smt. Kamla.

Applicant Ms. Satbir Kaur Bhatia in person.

Heard on the application under order 1 rule 10 CPC filed by the
applicant seeking impleadment on the basis of Will purportedly executed by
the deceased defendant in her favour.

LR Sh. Anil being son of deceased defendant has already been
impleaded in this case.

The Will relied upon by the applicant on the other hand is
stating about there being no first class legal heir of the deceased. The
averments contained therein has been disputed on the ground that during her
life time, the deceased defendant along with LR Sh. Anil had filed an
application for restoration of the suit filed by the husband of the deceased
defendant, bearing No. M-79, Mahavir Vs. Ram Singh & Others, pending in
the Court of Sh. Raj Kumar, the then Ld. Senior Civil Judge, which was
dismissed on 29.08.2013.

It has also been observed in the last date order sheet that
controversy between LR Anil and applicant, has no bearing in this case as
both shall remain bound by the defence already taken by the deceased
defendant. In these circumstances, I deem it appropriate to permit the
impleadment of the applicant Ms. Satibir Kaur Bhatia without prejudice to the
rights, contention and objections raised by the plaintiff in this case.

Her impleadment is desirable so as to effectual adjudication of the controversy pertaining to the contention raised by the plaintiff in the suit and proper execution of the relief to be granted to the plaintiff, if plaintiff succeeds in the suit.

The application under order 1 rule 10 CPC stands allowed accordingly.

Let amended memo of the parties be filed.

To come up for filing of the replication, if any/ admission-denial of the documents/ framing of issues on 20.03.2018.

(Vipin Kumar Rai)

Additional District Judge-03
East District/KKD Courts/Delhi
10.01.2018

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