

11.04.2022

Present: Sh. Azad Singh alongwith Sh. Vikram Singh, Ld. Counsels for plaintiff.

Submissions heard on summoning.

The plaintiff has not impleaded all the legal heirs of late Sh. Pokhi Ram who was the owner of the property regarding which partition has been sought. Ld. Counsel for plaintiff submits that between the parties who have not been impleaded in the present matter, there was certain partition and the Counsel for the plaintiff has referred to order dated 25.01.2020 which is page No.21 of Paper Book. The Court is keeping the issue regarding maintainability of the suit in the absence of impleading of legal heirs.

Without prejudice, issue summons of the suit to the defendant, on filing of PF through all recognizable modes for next date of hearing.

Ld. Counsel for plaintiff has prayed that the defendant be restrained from creating any third party interest of the suit which is not required keeping in view the doctrine of *Lis-pendes* as per Section 52 of Transfer of Property Act.

Matter is adjourned for further proceedings for **07.06.2022**.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/11.04.2022