

10 CS 2838/16

BALAJI MAHARAJ WELFARE ASSOCIATION THROUGH
SUDESHJAIN Vs. SUDHA GUPTA ETC.
CNR No. DLET010063462016

06.08.2026

Pr. Sh. Avtar Singh, Ld. Counsel for plaintiff.

Sh. M.P.S Kashyap, Id. Proxy Counsel for defendants No.1
and 2.

Sh. K.S. Kashyap, Ld. Counsel for defendants No.1 and 2
through VC.

Sh. Vijay Tyagi, Ld. Counsel for MCD through VC.

Ld. Counsel for MCD submits that he does not wish to file
reply to the application under Order I Rule 10 CPC and is willing
to address arguments straightaway.

Arguments heard. Record perused.

By way of instant application, the defendant No.1 seeks to
implead MCD as a necessary party on the ground that the entire
property has been booked by MCD for demolition in the year,
2005. Plaintiff has not filed reply to the instant application, but in
the written submissions, the plaintiff has admitted that the entire
building was booked by EDMC and on 09.04.2014, SDM, Preet
Vihar, Delhi, had directed the EDMC to demolish the
unauthorized construction of the four room lying locked on
ground floor, but because of status quo order, dated 19.03.2014,
the said order could not be implemented. The application has
been opposed solely on the ground that it has been filed at a
belated stage, when the matter is at the stage of DE/Cross.

In the plaint, the plaintiff has sought the relief that the
defendants be directed to demolish and remove the walls of

temporary rooms situated in stilt floor. It is an admitted position that the entire building has been booked by EDMC. In these circumstances, though, EDMC may not be the necessary party but it is a proper party for adjudication of the matter in controversy and for decision of all the issues involved in the instant suit.

The application in hand is, accordingly, allowed. EDMC is hereby impleaded as defendant No.4 in the present suit. Amended memo of parties is taken on record. Copy of the plaint be supplied to Ld. Counsel for EDMC today itself. Written statement be filed within 30 days from today. Plaintiff is at liberty to file the amended plaint in terms of Order I Rule 10 (4) CPC. Advance copy of the amended plaint, if any, be supplied to opposite side within four weeks from today. Written statement to amended plaint, if any, be filed within four weeks thereafter with advance copy to opposite side. Replication be filed within 30 days thereafter.

The parties shall strictly comply with the aforesaid directions regarding filing of amended pleadings, failing which a cost of Rs.3,000/- would be imposed upon each party as the present is an old matter pending since 2014.

Re-notify the matter for completion of pleadings/framing of additional issues, if any, additional evidence, if any/further proceedings on **22nd, 23rd and 24th of September, 2026**.

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/06.08.2026