

24/03/2022

Present: Counsel Ms. Sonia Arora for the plaintiff.
Defendants no.1&3 in person.
Matter is passed over till 12.30 p.m.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/ 24/03/2022

At 12.30 p.m.

Present: Counsel Ms. Sonia Arora for the plaintiff.
Defendants no.1,2&3 in person.
Counsel Sh. Hari Shankar for defendants no.4,5,6&7
(Vakalatnama filed)
None on behalf of defendants no.8 to 11.
Counsel Sh. Pradeep Aggarwal for DUSIB.

Summons to defendants no.8 to 11 not received back.

On 04.12.2021, notice under Section 30 CPC was directed to be issued to DUSIB to apprise the court whether DUSIB has some concern with the property in dispute or not.

On behalf of DUSIB counsel has appeared and has filed written statement along with certain documents.

From the perusal of the written statement which has been filed, it appears that the property in dispute pertains/belongs to DUSIB. Therefore, the Court is of the opinion that the presence of DUSIB is necessary to decide

the dispute effectually. Accordingly, in exercise of discretion as is available under Order 1 Rule 10 CPC, DUSIB is hereby impleaded as defendant.

The plaintiff is hereby given liberty under Order 1 Rule 10 (4) CPC to amend the plaint, if advised. Copy of written statement is supplied to counsel for defendants no.4 to 7 as well as to counsel for the plaintiff.

In the written statement in preliminary objection *inter-alia* the ground has been taken by the DUSIB that the plaint filed by the plaintiff is without any cause of action, therefore to be rejected. The Court shall hear the arguments on the maintainability of the suit on NDOH.

In these circumstances, for the time being the Court is not issuing summons to defendants no.8 to 11. As the issue of maintainability at this stage is only to be decided as per the averments of the plaint.

Till the issue of maintainability is decided defendants no. 4 to 7 need not file their written statement.

Put up for filing amended memo of parties, amended plaint, if any, arguments on maintainability of the suit on **05.07.2022**.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/ 24/03/2022