

SHRI RAM DAYAL VERMA Vs. SHYAM VERMA

18.01.2025

Present: Plaintiff in person.
Shri Munesh Kumar, ld. Counsel for Defendant no 3 to 5.
Ld. Counsel for D1 and 2.

Arguments heard on the application u/o 1 rule 10 r/w section 151 CPC filed by defendant no. 3 to 5.

Order on IA u/o 1 rule 10 r/w section 151 CPC.

It is submitted that plaintiff has filed the suit for declaration, partition and permanent injunction against the defendants in respect of the property bearing Flat No.21/101, Eastend Aparments, Mayur Vihar, Phase-I (Extn.), Delhi-110096. It is further submitted that defendant no. 3,4 and 5 has already made statements before the court that they want their equal shares in the property as claimed by the plaintiff in the present suit. It is further submitted that as per the written statement filed on behalf of the defendant no.5, the defendant no.5 has claimed the same relief as mentioned in the claim. It is further submitted that the reliefs claimed by the defendant no.3 to 5 are the same as claimed by the plaintiff in the present suit, thus, the defendant no.3 to 5 want to implead then as the plaintiff in the present suit. It is further submitted that defendant no.3 to 5 want their share in the property against the defendant no.1 & 2 who is in the possession of the property since the date of purchase and even after the death of the parents of the parties. It is further

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submitted that no prejudice would be caused either to the plaintiff or to the defendants no.1 & 2 if the present application is allowed because the present case is at very initial stage. The applicant/ defendant no. 3 to 5 want to implead them as plaintiff. Hence, the present application is filed.

Reply to the present application has not been filed by the plaintiff, however, plaintiff who is present in person before the court today submits that he has no objection if the defendant no. 3 to 5 are impleaded as plaintiffs in the present suit.

Heard. Record perused and considered.

Plaintiff has filed the present suit for declaration, partition and permanent injunction concerning the suit property i.e. property No.21/101, East End Apartment, Mayur Vihar Phase-I, (Extn.), Delhi-110096 left behind the mother of the plaintiff late Smt. Govindi Devi Verma. The father of parties was the absolute owner and was in possession of the suit property. During his life time in the year 1986, father of the plaintiff purchased the property from his savings and hard earned money. Defendant no.1 is the youngest brother of the plaintiff and the defendant no.2 is the wife of defendant no.1. Defendant no. 3 & 4 are brothers and defendant no.5 is the sister of the plaintiff. It is pertinent to mention here that plaintiff and defendant no.1,3,4 and 5 are the legal heirs of late Sh. Govind Lal Verma and Smt. Govindi Devi Verma. Defendant no.3 to 5 are also seeking their equal share in the suit property. Plaintiff has no objection if the defendant no.3 to 5 are impleaded as plaintiffs in the present suit. This is a suit for partition. Defendant no. 3 to 5 are admittedly legal heirs of late Shri Govindi Lal Verma and Smt.

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Govindi Devi Verma. In view of above and after considering the facts and circumstances of the present case, the present application is being disposed off with the following order:

ORDER

Application u/o 1 rule 10 r/w section 151 CPC filed by D3 to 5 is allowed. Defendants no. 3 to 5 are impleaded as plaintiffs in the present suit. Amended memo of parties be filed with advance copy of the same to other side.

Defendant no.1 & 2 are granted last and final opportunity to file reply or argue on the application u/s 151 CPC filed by D3 to 5.

Put up for arguments on the application u/s 151 CPC on 12.02.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
18.01.2025