

17.11.2025

ORDER

1. By way of this order, I shall dispose of the application u/O 1 Rule 10 moved on behalf of the plaintiff.
2. Arguments on the application have already been heard.
3. It is submitted by Ld. Counsel for the plaintiff that present suit for recovery is filed by the plaintiff and defendant no. 4 M/s City Financial Consumers Finance India Limited was impleaded in the array of defendants as Ashok Tohani had mortgaged his property situated at Noida, UP to the said defendant. It is further stated that defendant no. 4 in his written statement has mentioned that the said company is presently known as City Corp Finance (India) Limited and the said company had advanced loan to Ashok Tohani against the property situated at Noida. It is further submitted that defendant no. 4 has further mentioned that the said loan has now been assigned to M/s Future Capital Financial Services Limited on 30.06.2011 and the mortgage property of Ashok Tohani has been assigned to the said company. It is further submitted that present application is moved to implead M/s Future Capital Financial Services Limited to array as defendant.
4. Application is highly opposed on behalf of defendants no. 1, 2 and 3 who are legal heirs of Mr. Ashok Tohani.

5. It is argued that present case is filed by the plaintiff for recovery with respect to the alleged business dealings with Ashok Tohani and defendants had no connection whatsoever with respect to the business dealings as alleged by the plaintiff. It is further submitted that defendants no. 1, 2 and 3 have not inherited any movable or immovable property from Late Sh. Ashok Tohani. It is further submitted that the alleged property situated at Noida belongs to elder brother of Late Sh. Ashok Tohani. Ld. Counsel for defendants no. 1, 2 and 3 has further pointed out that vide order dated 19.04.2018 defendant no. 4 was dropped from the array of parties.

6. Submissions made on behalf of both the parties are taken into consideration. Record perused.

7. Plaintiff in its application has not mentioned as to how the proposed defendant is liable to make payment with respect to the alleged business dealings between him and Late Sh. Ashok Tohani. Vide order dated 19.04.2018 application of defendant no. 4 under Order 1 Rule 10 for its deletion from the array of parties has already been disposed of as allowed. In the present application, plaintiff has stated that the proposed defendant i.e. M/s Future Capital Financial Services Limited is required to be impleaded as it has acquired the rights with respect to the loan/mortgage property of Late Ashok Tohani situated at Noida. Since defendant no. 4 has already been deleted from the array of parties the company which now has taken the rights and liabilities in place of defendant no. 4 cannot be impleaded in its place by moving fresh application under Order 1 Rule 10 CPC.

No further reason is mentioned by the plaintiff for the requirement of impleadment of M/s Future Capital Financial Services Limited.

8. In view of above, present application is disposed of as not allowed.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
17.11.2025