

27.07.2024

Present: Sh. K.R. Rana, Ld. counsel for plaintiffs along with plaintiff no. 1.
Sh. Nasimuddin, Sh. Nazim Hussain, Ld. counsel for defendant no. 1,3,4 and 8.
Defendant no. 2 in person.

In this matter, an application u/O I Rule 10 CPC is pending adjudication whereby plaintiff wants to implead the LRs of the first wife of Abdul Haye. The property sought to be partitioned in this case was of Abdul Haye and late Abdul Haye is stated to have died sometime in 1992. Said Abdul Haye had two wives namely Hamida and Sajida. While the parties before this court are the LRs born from the wedlock between Abdul Haye and Sajida, the LRs born from the wedlock between Abdul Haye and Hamida were not parties in this suit and an objection in this regard was taken by the defendants.

Plaintiffs now want that said LRs from first wife Hamida be also made parties to this suit. But, plaintiff has not sought any corresponding amendment which may be required to be made to the plaint as after the impleadment of the said LRs, the shares of plaintiffs and defendants may necessarily change because of the said impleadment.

Plaintiff is called upon to clarify in this regard and last opportunity is granted to parties to address arguments on application u/O I Rule 10 CPC moved by plaintiff.

List on 21.10.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
27.07.2024