

CS 192/24

HARISH CHAND SHARMA VS. ISHWAR CHAND SHARMA

03.09.2025

Present : Sh. Shakir Hussain, Ld. Counsel for plaintiff
alongwith plaintiff.

Sh. Javinder Mavi, proxy counsel (Enrolment
No.3641/09) for Sh. Mohit Sharma, Counsel for
defendant no.1 to 2, alongwith defendant no.1 and 2.
None for defendant no.3, who has already given her
no objection.

Sh. Pradeep Kumar Sharma, Ld. Counsel for
proposed defendant no.4 through VC.

Arguments advanced on application under Order 1
Rule 10 CPC.

Ld. Counsel for proposed defendant no.4 has
opposed the application on the ground that the property in
question has been sold to defendant no.4 by the father of the
parties to the suit.

Defendant no.1 and 2 also in their joint written
statement have taken same plea.

Considering that the suit is for partition of the
property, even if the plea taken by the defendant no.1 and 2 and
proposed defendant no.4 is believed to be correct, defendant no.4
being the owner of the subject property is a necessary party.
Hence, the application under Order 1 Rule 10 CPC is allowed
and Sh. Munna Lal Saraswat is impleaded as defendant no.4.

Amended memo of parties be filed within ten days.

An application dated 03.09.2024 under Order 6 Rule 17 r/w Section 151 CPC seeking amendment of pleadings on behalf of plaintiff is also pending for disposal.

Ld. Counsel for newly impleaded defendant no.4 has argued the application though the copy of the application has not been supplied to him. Copy of the original plaint, amended plaint and paper-book alongwith the pending applications be supplied to defendant no.4 through counsel. Written statement alongwith reply to the pending applications, if any, be filed on behalf of defendant no.4 within 30 days pursuant to the supply of copy, after supplying advance copy to the plaintiff through counsel.

Put up for arguments on the pending applications i.e application under Order 7 Rule 11 CPC on behalf of defendant no.1 and 2, and application under Order 6 Rule 17 r/w Section 151 CPC on behalf of plaintiff, on **16.10.2025**.

(SUKHVINDER KAUR)
Principal District & Sessions Judge
North-East District, KKD Delhi/03.09.2025