

06.10.2025

Fresh Civil Suit received by way of assignment. It be checked and registered.

Present: Sh. S.S. Sharma, Ld. Counsel for plaintiff.

Heard. Perused.

Plaintiff has *inter alia* sued the defendants for partition qua two properties belonging to his father. In para (2), names of at least 5 other legal heirs of father of plaintiff is mentioned. Those five said legal heirs are not made parties to the present suit on the ground that they appointed plaintiff and the defendants as their attorney and they also took consideration from the parties to this suit while executing the said power of attorney. It is submitted that since the said five legal heirs have given up their share in the suit properties, they are not impleaded as parties to this suit.

In my humble opinion, presuming that the said five legal heirs (who are not made parties to this suit) have executed a GPA against consideration in favour of plaintiff and defendants, still, the said document may, by itself, not be sufficient to divest the said legal heirs of their share in the suit properties. Admittedly, there is no registered document between the parties.

At the very least, in my humble opinion, the said five persons named in para (2) of the plaint are proper parties for adjudication of the lis before this Court. Accordingly, plaintiff is directed to make the said five persons as parties to this suit.

List on 03.11.2025.

Aashish Gupta
DJ-01/NE/KKD/DELHI
06.10.2025