

CS no. 364/23

PARVEEN AGGARWAL Vs. MANISH AGGARWAL

23.09.2024

Present: None for the plaintiff.

None for the defendant no.1.

Sh. Ajay Kumar proxy counsel for the defendant  
no.2 and 3.

None for the defendant no.4.

Vide this order, I shall proceed to dispose of two applications i.e. an application dated 26.03.2024 under Order I Rule 10 (2) CPC filed on behalf of the defendant no.2 and 3 and another application dated 28.02.2024 under Order I Rule 10 CPC filed on behalf of the defendant no.4.

The plaintiff has filed the present suit for partition, permanent injunction and rendition of accounts against against the defendants. It is stated in the plaint that the defendant no.2, 3 and 4 are the proforma parties and they are impleaded as defendants to avoid technicalities. It is also stated that the dispute with respect to the suit property is only between the plaintiff and the defendant no.1.

The defendants have filed their respective written statements.

I have heard the learned counsels for the parties.

It is stated in both the applications that the defendant no.2, 3 and 4 are not the necessary parties to the present suit and thus their names be deleted from the array of parties.

The plaintiff has filed reply to application under Order I Rules 10 (2) CPC filed on behalf of the defendant no.2 and 3. It is stated in the reply that the plaintiff has no objection if defendant no.2, 3 and 4 are deleted from the array of parties. It is also stated in the reply that the suit property falls in the share of the plaintiff and the defendant no.1 only.

In view of the above, defendants no.2, 3 and 4 are deleted from the array of parties at the risk of the plaintiff.

Amended memo of parties filed by the plaintiff is taken on record.

Applications stand disposed of.

Put up on 22.10.2024 for admission/denial of document and framing of issues.

(SARITA BIRBAL)  
Principal District & Sessions Judge  
North-East, Karkardooma Courts,  
Delhi/23.09.2024