

Suit No. 225/2017
Prem Singh Pathari Vs. Uttam Singh

18.10.2018

Present: Sh.Krishan Rana Adv. For the plaintiff.

Sh. Manoj Sonkar, Adv. for the defendant.

Submissions of the Id. counsels for the parties are heard on the application u/o. 1 Rule 10 r/w Section 151 CPC dated 13.04.2018.

Vide said application, the plaintiff intends to implead Sh. Jagdish S/o. Sh. Phool Singh as a defendant in the present proceedings.

It has been submitted by the Id. counsel for the plaintiff that the defendant has alleged that his mother Smt. Sukhbiri W/o. Sh. Harbans had executed a GPA dated 10.05.1990 in favour of the said Jagdish S/o. Sh. Phool Singh, but the said GPA is a forged and fabricated document. It is further submitted by the Id. counsel for the plaintiff that the alleged agreement to sale dated 10.05.1990 allegedly executed by Smt. Sukhbiri Devi in favour of Sh. Jagdish is also a forged and fabricated document. He has further submitted that the defendant is claiming the ownership of the suit property on the basis of the documents executed by the said Sh. Jagdish S/o. Sh. Phool Singh, in his favour vide GPA dated 20.07.2017, registered on 26.07.2017 and the said document/GPA is also to be declared as null and void.

From the submissions of the Id. counsels for the parties and from the contents of the plaint, it is clear that the plaintiff has not claimed any relief against the said Jagdish S/o. Sh. Phool Singh. Furthermore, it is for the plaintiff himself to prove that his mother Smt.

Sukhbiri wife of Sh. Harbans had not executed any document in favour of the said Sh. Jagdish. Furthermore, the defendant, who is claiming the ownership of the suit property on the basis of the documents executed by the said Sh. Jagdish S/o. Sh. Phool Singh, in his favour, has to prove the genuineness of the GPA dated 20.07.2017 executed on 26.07.2017, by leading cogent evidence, in this regard. Even, otherwise, the defendant can summon the said Sh.Jagdish S/o. Sh. Phool Singh to prove the aforesaid GPA in his favour, during the trial.

In these circumstances, this court is of the considered opinion that the said Sh. Jagdish is not a necessary party to the present proceedings. The application is, therefore, dismissed being devoid of any merits.

Adjourned for admission / denial of documents and for framing of issues on 24.01.2019. Parties shall appear in person on the next date of hearing for admission / denial of documents.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
KKD Courts/Delhi
18.10.2018

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