

04.06.2026

Present: Ms. Sandhya Sharma, Ld. Counsel for plaintiff along with plaintiff.
Sh. Ashok Kumar, Ld. Counsel for defendant

1. An application u/s 5 of the Limitations Act r/w Section 151 CPC is filed on behalf of defendant seeking condonation of delay in filing the WS.
2. It is submitted by the Ld. Counsel that inadvertently the provisions of Order 8 Rule 1 CPC is not mentioned in the application. Accordingly, the application be treated as application u/o 8 Rule 1 CPC. Heard. Considered.
3. The application be treated as application u/o 8 Rule 1 CPC seeking condonation of delay of 51 days in filing the WS.
4. Keeping in view, the mandate of Hon'ble Supreme Court in *Kailash Vs. Nankhu & Salem Advocates Bar Association Vs. Union of India* the mandate of Order 8 Rule 1 CPC is directory in nature and the delay can be condoned. Therefore, the application stands allowed, subject to payment of Rs. 2000/- to be paid to the plaintiff on NDOH
5. An application u/o 1 Rule 10 CPC is filed by plaintiff seeking impleadment of Ms. Mamta/D2. It is submitted by the plaintiff that Ms. Mamta who is the aunt of D1 is an active member of the recovery team of D1.
6. Accordingly, she is the necessary party in the present suit. Heard. Considered. I am of the view on perusal of the pleadings of the suit there are no pleadings as to whether any amount was ever transferred to the D2 and in the

absence of pleadings or role attributed to the D2, the D2 cannot be impleaded as a party as she is neither a necessary nor a proper party. In order to decide the suit a party has to be a necessary or proper party without whom a proper order cannot be passed.

7. Accordingly, the present application is devoid in any merits. Thus, the present application is dismissed sans merits.
8. Put up on **07.09.2026**

(Akbar Siddique)
DJ-04, North, Rohini Courts,
Delhi/04.06.2026