

13.01.2026

Present: Sh. Mahi Arora, Ld. Counsel for the plaintiff.
Ms. Priya Kakran, Ld. Counsel for D1 as well as for
proposed defendant Anil Pal (through VC)
along with D1 in person.
Ms Divya and Sh Nitin Malhotra, Ld Counsels for
D3.
D2 is already exparted vide order dated 27.05.2025
Proposed defendant Anil Pal in person.

Reply to the application of the plaintiff under order
1 Rule 10 CPC has already been e-filed by proposed defendant/
Anil Pal. Copy stated to have been supplied. Same is
acknowledged by the Ld. Counsel for the plaintiff. Let the hard
copy be also placed on record.

As such I am taking up the aforesaid application of
the plaintiff. Heard on the application. Record perused.

Firstly, coming to the plaint. The plaintiff has
instituted the present suit *inter alia* claiming possession,
declaration, permanent and mandatory injunction and mesne
profits in respect of the suit property, asserting ownership on the
basis of documents executed in the year 2011. The plaintiff
alleges illegal trespass and unauthorized occupation of the suit
property by Defendant Nos. 1 and 2 coupled with threats to
alienate the same.

Now coming to the aforesaid application of the
plaintiff. It is stated in the application by the plaintiff that during
the course of proceedings, Defendant No.1 filed the written
statement on 27.03.2025 wherein it was specifically pleaded that
the suit property belongs to Defendant No.1 and his sister-in-law

namely Late Mrs. Poonam. It is further disclosed that Late Mrs. Poonam expired in June 2024 and was survived by her husband/ Sh. Anil Pal. On the basis of these pleadings, the plaintiff seeks impleadment of Sh. Anil Pal as a defendant, contending that he is a necessary and proper party being the legal heir of Late Mrs. Poonam, who is alleged to have an interest in the suit property. It is averred that the application is bona fide and no prejudice would be caused to the existing defendants if the proposed defendant is impleaded.

Conversely, Learned counsel for the proposed defendant has opposed the application, contending that the suit was initially filed against Defendant No.1, Defendant No.2 and Defendant No.3 and that the present application has been moved only after filing of the written statement by Defendant No.1. It is urged that the application is an afterthought and is not maintainable and as such deserves to be dismissed.

I have given my anxious and thoughtful consideration to the submission of the Ld. Counsel for the parties. Order I Rule 10(2) of CPC empowers the Court at any stage of the proceedings either upon an application or suo motu to add any person as a party whose presence is necessary in order to enable the Court to effectively and completely adjudicate upon and adjudicate all the questions involved in the suit.

The legal position governing impleadment of parties has been authoritatively laid down by the Hon'ble Supreme Court in *Vidur Impex and Traders Pvt. Ltd. & Ors. v. Tosh Apartments Pvt. Ltd. & Ors.*, (2012) 8 SCC 384, wherein the distinction between “necessary” and “proper” parties has been clearly explained. It has been held that a necessary party is one in

whose absence no effective decree can be passed while a proper party is one whose presence enables complete and effective adjudication of the issues even though no relief may be claimed against such person. Further, in *Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre and Hotels Pvt. Ltd. & Ors.*, (2010) 7 SCC 417, it has been reiterated that though the plaintiff is dominus litis, the Court retains the power to implead a person whose presence is required for effective adjudication of the dispute.

In the present case, the plea regarding ownership of the suit property in favour of Defendant No.1 and Late Mrs. Poonam has emanated from the written statement of Defendant No.1 himself. Once it is pleaded that Late Mrs. Poonam had an interest in the suit property and that she has since expired, her legal heir would evidently step into her shoes insofar as her alleged rights and liabilities are concerned. In such circumstances, the presence of Sh. Anil Pal being the husband and legal heir of Late Mrs. Poonam is necessary for a complete and effective adjudication of the controversy and to avoid multiplicity of proceedings and conflicting decisions. The objection of the proposed defendant that the application is belated or an afterthought is also devoid of merit as the necessity for impleadment arose only upon disclosure made in the written statement filed by Defendant No.1. Further no serious prejudice is shown to be caused to the existing defendants by such impleadment. *Accordingly, I hereby allow the application of the plaintiff. Sh. Anil Pal is impleaded as a defendant in the present suit.*

The newly impleaded defendant is at liberty to file his written statement within a period of 30 days from today with an advance copy to the plaintiff.

List the matter now for further proceedings on 07.04.2026.

Interim order to continue till NDOH.

(Ravinder Singh II)
DJ-04, North, Rohini Courts,
Delhi/13.01.2026