

IN THE COURT OF SH KISHOR KUMAR,
ADDITIONAL DISTRICT JUDGE-04,
NORTH DISTRICT : ROHINI COURTS : DELHI

CS DJ No.458/2020
CNR No. DLNT01-007871-2020

Sh Ranjit Singh,
S/o Late Sh Chunni Lal,
R/o H No. 87, Village Sanother, Narela,
North West Delhi.

.....Plaintiff

v.

Union of India,
The Land Acquisition Collector,
Kanjhawala, Delhi.

SDM, Narela,
Department of Revenue
MPCC Building, Naya Bans,
New Delhi-110082

The BDO,
Gram Sabha,
Alipur Delhi.

.....Defendants

ORDER ON APPLICATION U/O I RULE 10 CPC.

1. Vide this order, application dated 17.05.2023 filed u/o I Rule 10 CPC by defendant no. 3, shall stand disposed of.
2. By way of this application, defendant no.3 is seeking deletion from the array of the defendants. Ld counsel for the defendant no.3

had submitted that defendant no.3 is neither a proper nor necessary party to the present case nor any relief has been claimed against defendant no.3 by the plaintiff.

3. Reply to the present application has been filed by the plaintiff, praying for its dismissal on the ground that the land in question had been allotted by them to the plaintiff at one point of time.

4. I have heard ld counsel for defendant no.3, ld counsel for the plaintiff and have carefully gone through the record.

5. The present suit has been filed by the plaintiff for declaration, compensation, permanent and mandatory injunction against defendants i.e. (1) Union of India, (2) SDM, (Narela) and (3) BDO, Gram Sabha, respectively. It is further mentioned by the plaintiff in his plaint that the land in question was allotted to the plaintiff by the Gram Sabha and plaintiff was declared as Asmi /Bhumidar. The area of agricultural land was 5-11 Bigha situated in Khasra no.1143, Village Sannoth, Delhi.

6. In view of the averments contained in the plaint that the land in question had not been allotted to the plaintiff by defendant no.3 decades ago, this court is of the opinion that the presence of defendant no.3 as a proper party is required. It is not controverted by defendant no.3 that the land in question had not been allotted to the plaintiff by them. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a

complete and final decision on the question involved in the proceedings.

7. Be it as it may, no written statement has been filed by defendant no.3 in order to clear its stand. Therefore, the defendant no.3 being a proper party, cannot be deleted.

8. Thus, the present application u/o I Rule 10 CPC dated 17.05.2023 is filed by defendant no.3 is hereby dismissed.

**ANNOUNCED IN THE OPEN COURT,
On 06th October, 2023.**

**(Kishor Kumar)
ADJ-04, North, District,
Rohini Courts , Delhi**