

01.07.2026

Present: Sh. Vikas Gautam, counsel for the plaintiff through VC.

Plaintiff in person.

None for the defendants.

Counsel for plaintiff has filed affidavit of service alongwith postal receipt and tracking report showing refusal by Islam s/o Sh. Masum.

Be awaited for presence on behalf of Sh. Islam till 02.00 p.m.

At 03.10 p.m.

Present: Sh. Vikas Gautam, counsel for the plaintiff through VC.

None for the defendants.

Even at this stage, none has appeared on behalf of Islam s/o Sh. Masum. Islam s/o Masum is proceed ex-parte.

ORDER ON APPLICATION U/O 1 RULE 10 CPC DATED 30.07.2024.

1. It is argued by counsel for the plaintiff that planitiff is the purchaser. Defendants were the proposed sellers. In reply to para no.5 on merits in the written statement, it was stated by the defendants that they have sold the property to Iqbal @ Masum. It is pointed out that in order dated 24.12.2024, counsel for the defendants had pointed out that correct name is Islam son of Masum.
2. It is argued that since, prayer in the main suit, is for Specific Performance. Islam son of Masum is a necessary party. In his absence, no effective decree can be passed. His presence will help the court to reach at a just conclusion.
3. Heard. File perused.
4. Perusal of the file shows that planitiff is the purchaser. Defendants were

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the proposed sellers. In reply to para no.5 on merits in the written statement, it was stated by the defendants that they have sold the property to Iqbal @ Masum. It is recorded in order dated 24.12.2024 that counsel for the defendants had pointed out that correct name is Islam son of Masum.

5. It is rightly argued on behalf of the plaintiff that since, prayer in the main suit, is for Specific Performance. Islam son of Masum is a necessary party. In his absence, no effective decree can be passed. His presence will help the court to reach at a just conclusion.

6. **Resultantly, application u/o 1 rule 10 CPC dated 30.07.2024, is allowed. Islam son of Masum is impleaded as defendant no.3. Let amended memo of parties and amended plaint be filed before 10.08.2026 with advance copy thereof to the opposite counsel at least a week before the next date of hearing.**

7. Now, to come up for completion of pleadings of the parties, filing of affidavit of admission/denial of the documents, for framing of the issues and disposal of application u/o 39 rule 1 and 2 CPC on **22.09.2026**.

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/ ROHINI
COURT/DELHI/01.07.2026