

17 CS SCJ 1488/23 PRAMOD KUMAR AND ANOTHER Vs.
YOGESH KUMAR AND OTHERS

15.09.2025

Present : Sh. SK Anand, Ld. counsel for plaintiff.
Sh. Ghulshan Tyagi, Ld. counsel for defendant no.
8/MCD.
Sh. Suresh Chander, Ld. counsel for defendant no.
1,2,5and 6.

Ld. counsel for plaintiff has submitted that he will
pay the cost to applicant/MCD on NDOH.

Matter is pass over at 11:30 AM for arguments.

(Mayank Mittal)
ASCJ cum JSCC cum Guardian Judge
Dwarka Courts: New Delhi
15.09.2025

At 11:30AM

Present : Sh. SK Anand, Ld. counsel for plaintiff.
Sh. Ghulshan Tyagi, Ld. counsel for defendant no.
8/MCD.
Sh. Suresh Chander, Ld. counsel for defendant no.
1,2,5and 6.

Arguments heard on application under order 1 rule
10 CPC.

Be put up for orders at 02:00PM.

(Mayank Mittal)
ASCJ cum JSCC cum Guardian Judge
Dwarka Courts: New Delhi
15.09.2025

At 02:00 PM

Present: None.

Vide this order, I shall decide an application under order 1 rule 10 CPC filed on behalf of defendant no. 8/MCD for deletion of its name from array of parties.

I already heard argument and perused record in the morning session.

It is submitted by Ld. Counsel for applicant that present suit has been filed by plaintiff against the defendant no. 1 to 6 with regard to their mutual dispute. It is submitted that no relief at all has been claimed against the defendant no. 8/MCD. It is further submitted that even an application under order 6 rule 17 CPC filed on behalf of plaintiff to incorporate the prayer against MCD/defendant no. 8 has been dismissed by Ld. Predecessor of this court vide order dated 03.04.2025. It is submitted as neither appeal has been preferred against the order dated 03.04.2025 nor any review of order dated 03.04.2025 has been filed, there is no logic of proceeding against MCD/defendant 8, when there is no prayer against defendant 8.

It is submitted by Ld. Counsel for plaintiff that though there is no specific prayer against defendant 8/MCD, however the prayer sought by plaintiff, specially the prayer clause no.(III) makes it clear that defendant 8/MCD is a necessary party. It is submitted that application may be dismissed with heavy cost.

From perusal of argument and from consideration of

record, it is noted that MCD/defendant 8 though has been made a party, however no relief has been prayed against defendant 8/MCD. During arguments, it could not be explained as to how MCD is a necessary party for deciding the present suit. Accordingly, MCD/defendant 8 is deleted from array of parties. The plaintiff shall be at liberty to call any witness/record from MCD if required for proving its case by the plaintiff.

Application under order 1 rule 10 CPC is allowed.

Be put up for framing of issues on **03.11.2025**.

(Mayank Mittal)
ASCJ cum JSCC cum Guardian Judge
Dwarka Courts: New Delhi
15.09.2025