

**IN THE COURT OF DISTRICT JUDGE-02  
SOUTH-EAST DISTRICT, SAKET: NEW DELHI**

**CS DJ No. 555/2024**

**Shankar Lal**

.....Plaintiff

**Versus**

**Nakul Tyagi & Ors.**

.....Defendant

**ORDER  
02.05.2026**

This order shall decide an application under Order 1 Rule 10(2) read with Section 151 CPC filed by defendant no. 3 seeking striking out it's name from the array of parties.

2. Plaintiff filed reply to the aforesaid application.
3. I heard arguments advanced by Sh. Karan Singh, learned counsel for plaintiff and Ms. Snigdha Rajpal, learned counsel for defendant no. 3 and perused the material available on record.
4. Having heard the submissions and perused the record, I do not find any merit in the contentions of learned counsel for defendant no.3.
5. Present is a suit for recovery of Rs. 10,00,000/- in respect of one residential unit. The aforesaid amount was paid by the plaintiff through cheque bearing no. 158465 dated 08.01.2020 drawn on Corporation Bank, Branch at B. C. Place, New Delhi as booking amount. The cheque was issued in the name of AS Enterprises which was cleared on 13.01.2020.
6. It is alleged by the plaintiff that defendant nos. 1 and 2 obtained the aforesaid cheque by manipulation and defendants who proposed to handover the possession of residential unit to the plaintiff up to year

2023 started avoiding to pickup the call or meet with the plaintiff on one pretext or the other and thus the defendants neither provided the residential unit as assured by them nor returned the money to the plaintiff.

6. All the three defendants filed separate written statements wherein, defendant no. 1 stated that he was employed as Senior Manager, Port Folio Management with defendant no. 3 at the relevant time and defendant no. 2 stated that she used to work as Team Member with defendant no. 3 company. Defendant no. 3 also stated that defendant no. 1 was it's employee at the relevant time.

7. It is also admitted that the said cheque was issued by the plaintiff in favour of AS Enterprises which the plaintiff alleges to be sister concern of defendant no. 3.

8. In the aforementioned facts, there is substance in the contentions of learned counsel for plaintiff that the plaintiff's claim is based on the representation made by defendant no. 3's employees making it vicariously liable for their actions and therefore the presence of defendant no. 3 is essential for just adjudication of the present suit.

9. The contentions of defendant no. 3 that it did not receive any amount as claimed by the plaintiff, which were paid to the developer or defendant no. 1 and 2 in their individual capacity, is a matter of trial. As far as the judgments cited in the application under consideration are concerned, it suffices to say that same reiterated the settled propositions of law as to whether the a party is a necessary party or not but in the given facts of the present suit are of no help to defendant no. 3.

10. Needless to say, defendant no. 3 has already filed written statement and all the objections therein will be suitably addressed at the relevant stage of the suit.

11. In my considered opinion, the presence of defendant no. 3 is essential for effective adjudication of the present suit as there are allegations against it in the suit and plaintiff is claiming a decree against all the defendants.

12. Accordingly, the application under Order 1 Rule 10 CPC filed by defendant no. 3 is not meritorious and is dismissed.

**[Kuldeep Narayan]**  
**District Judge – 02**  
**South-East District,**  
**Saket Courts, Delhi**  
**02.05.2026 / bh**