

07.08.2025

At 11:38am

Present: Sh. Abhishek Garg, Ld. Counsel for plaintiff along with plaintiff.
None for D-1 (**already ex-parte vide order dated 07.11.2017**).
None for D-2 (**already ex-parte vide order dated 14.03.2019**).
Sh. Ayaz Ahmad, Ld. counsel for D-3.

Ld. counsel for D-3 submits that D-3 does not wish to file reply to the application under Order VI Rule 17 r/w Section 151 CPC in writing. He further submits that he is ready to address arguments on the application straightaway.

Ld. counsel for D-3 submits that plaintiff was very much aware about the possession of D-3 over the suit property even prior to filing of his application under Order I Rule 10 CPC. He further submits that the present application is deserved to be dismissed as the same has been malafidely filed.

Ld. counsel for plaintiff submits that vide order dated 03.03.2025, Sh. Amit Kumar was added as D-3 in the present suit. He further submits that D-3 has purchased the suit property from Sh. Yatender Kumar, during the pendency of the present suit. He further submits that provision of Order I Rule 10(4) CPC provide right to plaintiff to amend his/her pleadings upon impleadment of new defendant. He further submits that as on date, D-3 is in possession of the suit property and therefore, the proposed amendments are necessary to be added in the plaint to decide the present matter effectively and effectually.

(2)

Heard. File perused.

Sh. Amit Kumar was added as D-3 on 03.03.2025 and subsequently to his impleadment, plaintiff has filed the present application on 14.07.2025. Admittedly, D-3 is in possession of the suit property. D-3 has purchased the suit property from Sh. Yatender Kumar on 15.07.2022, during the pendency of the present suit vide unregistered document i.e. GPA, agreement to sell, Will, receipt, possession of letter and affidavit. This Court has already observed on 17.05.2025 that the documents of D-3 are hit by the *judgment passed by the Hon'ble Supreme Court of India, "Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana & Ors.- SLP (Civil) No. 13917 of 2019, "Shakeel Ahmed versus Syed Akhlaq Hussain", Civil Appeal No.1598/2023 and "M.S. Ananthamurthy & Anr. versus J. Manjula Etc.", Civil Appeal Nos. 3266-3267 of 2025 arising out of SLP (C) No. 13618-13619 of 2020.*

Plaintiff has filed the present suit seeking the relief of possession of the suit property against defendant no.1 and 2. Defendant no.3 has come into the possession of the suit property during the pendency of the present suit, therefore, the transaction entered between D-3 and Sh. Yatender Kumar is also hit by the provision of Section 52 of Transfer Property Act, 1882.

The provision of Order I Rule 10(4) CPC provides right to the plaintiff to file an application for amendment of his/her pleadings upon impleadment of newly defendant.

It is pertinent to mention here that D-3 has already filed suit bearing No.467/2025 against Sh. Yatender Kumar

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seeking the relief of declaration, permanent injunction and recovery of an amount of Rs.15,40,000/- against Sh. Yatender Kumar, which is pending and listed today before this Court.

Considering the facts and circumstances of the case and above observations, application under Order VI Rule 17 r/w Section 151 CPC is hereby **allowed**.

Amended plaint is taken on record.

Application under Order VI Rule 17 r/w Section 151 CPC is accordingly disposed of.

Ld. counsel for D-3 submits that plaintiff be directed to supply copy of all the documents filed along with the plaint.

Ld. counsel for plaintiff undertakes to supply the same within 07 days from today to Ld. counsel for D-3. **Let the same be supplied within 07 days under acknowledgment.**

Upon receipt of documents, D-3 is directed to file WS to the amended plaint within 30 days thereafter with an advance copy to plaintiff.

Upon receipt of WS, plaintiff is at liberty to file replication, if any, within 21 days thereafter with an advance copy to D-3.

Put up for completion of pleadings, admission and denial of documents and framing of issues on **16.10.2025**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
07.08.2025