

30.01.2025

Present : Sh. Vishal Pandey Ld. Proxy counsel for Sh. Ravish Kumar Goel Ld. Counsel for plaintiff.
None for D1.
Sh. Rajendra Gupta Ld. Counsel for D2 with D2 and Advocate for proposed defendant Ms. Nirmal Gupta **(undertakes to file MOA for proposed defendant. Be filed).**

Notice of the application u/o 1 R 10 r/w S. 151 CPC issued to D1 not received back.

Proposed defendant has been served through dasti notice on 09.01.2025.

At this stage, Ld. Proxy counsel for plaintiff has pressed application u/o 1 R 10 r/w S. 151 CPC.

Submissions heard. Record perused.

By way of application u/o 1 r 10 r/w S 151 CPC, plaintiff seeks to implead proposed defendant Ms. Nirmal Gupta as defendant no. 3 in the array of parties.

Ld. Ld. Proxy counsel for plaintiff submits that the presence of the proposed defendant is necessary for the proper adjudication of the suit. He further submits that the objection of non-impleadment of Mrs. Nirmal Gupta, has also been taken by D2 in her WS.

On the other hand, Ld. Counsel for defendant no. 2 as well as for proposed defendant submits that he has no objection to the aforesaid application and also affirmed the necessity of the proposed defendant's presence for resolving the present dispute. He further

submits that the aforesaid application may be allowed, in accordance with law.

Perusal of record shows that none is appearing for D-1 since 07.12.2022.

As per Order 1 R 10 (2) CPC, the Court may at any stage of the proceedings, either upon or without the application of the either party, order that the name of any person who ought to have been joined, whether as a plaintiff or defendant or whose presence before the Court may be necessary to enable the court to adjudicate upon and settle all questions involved in the suit, be added.

In view of the aforesaid submissions made by Ld. Counsels for the parties as well as for the reasons mentioned in the application, this court is of the view that the proposed defendant, being a necessary party, should be impleaded in the suit to ensure a comprehensive adjudication of the issues involved. Further, as no objection has been given by the Ld. Counsel for defendant no. 2 as well as for proposed defendant, the impleadment of proposed defendant does not prejudice any parties to the suit, **therefore, the aforesaid application is disposed of as allowed. Proposed defendant Ms. Nirmal Gupta is added in the array of defendants as defendant no. 3.**

Amended memo of parties dated 28.10.2024 already filed. Same be taken on record.

D3 is directed to file WS within stipulated period with advance copy to the opposite party. Upon receipt, replication, if any, be filed with advance copy to the opposite party.

Parties are also directed to file affidavit of admission-denial

of documents and proposed issues on or before NDOH. Advance copy of the same be exchanged with each other.

Matter be listed for completion of pleadings on 24.03.2025.

Interim Order to continue till NDOH.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/30.01.2025_(ch)