

CS 993/18

MUKESH GARG Vs. SUSHMA GARG AND ORS

20.03.2023

No substitute stenographer is provided today and Assistant Ahlmad is also on leave.

Present: Sh. Vivek Bhardwaj, Id. Counsel for plaintiff with plaintiff.
None for defendant no. 1.
Sh. Sharad Kumar, Id. Counsel for defendant no. 2.
None for defendant no. 3 and 4.

An application u/s. 5 of Limitation Act r/w section 151 CPC filed on behalf of defendant no. 1 for condonation of delay in filing WS.

It is submitted by counsel for plaintiff that he has no objection in case the aforesaid application is allowed subject to cost.

Heard.

For reasons stated in the application, same is allowed subject to cost of Rs.3,000/- to be paid by the defendant to the plaintiff within 15 days.

Application u/s. 5 of Limitation Act r/w section 151 CPC stands disposed off.

Another application u/o 1 rule 10 was filed by defendant no. 2 for deleting him from the array of parties. It is submitted by defendant no. 2 that he is not a necessary party in this case. Hence, he may be deleted from the array of parties.

Reply to the said application has been filed by the plaintiff who has opposed the same.

Arguments heard.

Plaintiff has filed the present case for declaring his title with regard to property bearing no. 602/4A, Main Loni Road, Ram Nagar, Shahdara, Delhi – 110032 and property being private flat

situated at first floor, right side in the property bearing no. 1/7212, Gali no. 1, Shivaji Park, Shahdara, Delhi – 110032.

As the plaintiff has sought declaration qua the suit property, the defendant has admittedly a tenant in respect to the suit property. In that case, presence of defendant no. 2 is necessary for the just decision of the case and application of defendant no. 2 for his deletion from array of parties is dismissed.

List for filing of replication, A/D of documents, framing of issues and for consideration on application u/o 39 rule 1 and 2 CPC on 18.07.2023. A/D of documents in the form of affidavit be filed by both the parties.

Parties are directed to appear in person on the NDOH for examination u/o 10 CPC.

Interim to continue in terms of order dated 12.12.2018.

(Arun Goel)
ADJ-03, Shahdara
KKD Courts, Delhi
20.03.2023

At 12:10 PM

At this stage, Ms. Rupa, ld. proxy counsel for defendant no. 3 appears. She is apprised of the proceedings earlier.

List for purpose already fixed for date fixed i.e. 18.07.2023.

(Arun Goel)
ADJ-03, Shahdara
KKD Courts, Delhi
20.03.2023