

24.01.2023

Present : Counsels Mr. Kartickay Mathur and Mr. Pratham Mittal for Plaintiff.  
None for D-1 & D-3 except proxy counsel  
Mr. Ankit Kumar for Mr. S. P. Aggarwal for D-1 and D-3.  
D-2 is unserved.

It is second call and 12.30 PM.

Counsel for plaintiff referring to Order dated 13.09.2022 clarifies that Agreement to Sell was entered into between Plaintiff and Smt. Swaran Lata Jain, wife of D-1 and she expired on 10.03.2020. Ld. counsel states that present suit for specific performance was instituted against LR's of Smt. Swaran Lata Jain & it is not the case that the suit is having filed against the dead person.

Counsel further states that his application under Order 1 Rule 10 CPC dated 13.09.2022 seeking impleadment of LR's of Smt. Swaran Lata Jain is pending disposal. Counsel states that D-1 and D-3 in their written statement disclosed names of two more LR's of Smt. Swaran Lata Jain as Smt. Simmi Jain and Rajni Jain.

Proxy Counsel Mr. Ankit Kumar for Mr. S. P. Aggarwal for D-1 and D-3 states that he has sought instructions from main counsel towards his no objection to impleadment of LR's of Smt. Swaran Lata Jain.

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Arguments heard on said application.

The objections were taken by D-1 and D-3 for non impleadment of Smt. Simmi Jain and Rajni Jain. I observed that presence of the proposed D-4/Smt. Simmi Jain and D-5/Rajni Jain is necessary to adjudicate the controversies involved in the suit. Hence, application under Order 1 Rule 10 CPC stands allowed. Smt. Simmi Jain and Rajni Jain are impleaded as defendants no. 4 and 5 respectively. **Amended memo of parties is taken on record.**

Last opportunity is granted to plaintiff to serve D-2 through all modes, failing which, the suit qua D-2 shall be dismissed for non prosecution.

Issue summons of suit upon D-2 as well as newly impleaded defendants no. 4 & 5 through all modes & through e-mode as well on filing of PF/RC-AD/ speed post/ courier, returnable for NDOH. Steps be taken within time.

To come up on **10.05.2023**.

**(RAVINDER BEDI)**  
**Additional District Judge -02**  
**Shahdara, Karkardooma Courts,**  
**Delhi: 24.01.2023**