

CS NO. 982/18
MOOL CHAND VS. SANJEEV SAGAR

27.09.2023

Present: Plaintiff with counsel Sh. V. P. Yadav.
Mr. Mohd Habib and Sh. Rishabh Bishnoi, counsel for
defendant.

An application under Order VI Rule 17 CPC has been
moved on behalf of plaintiff.

Copy supplied to counsel for defendant.

It has been submitted by counsel for the defendant that
the suit property is only the basement and ground floor and the parties
have nothing to do with the construction that is taking place on the
first, second, third and fourth floor of the property. The plaintiff has
also not made the purchaser of the first, second, third and fourth floor
as party. Present suit is bad for non joinder of necessary party.

It is stated by counsel for plaintiff that the construction
of the top floors and the demolition of old construction has caused the
substantial damage to the suit property.

The defendant's counsel has submitted that the
purchaser of the top floor has undertaken to get the repairs of the
damage done during construction.

Learned counsel for plaintiff has sought time to move
appropriate application for impleadment of parties.

Till then, interim order to continue.

Put up for further proceedings on 16.12.2023.

(Purva Sareen)
ADJ-01, South District
Saket Court, New Delhi
27.09.2023