

22 CS SCJ 97-22
SUMIT MAGO Vs. SOUTH DELHI MUNICIPAL
CORPORATION

08.07.2026

Present: Mr. Yash Gupta, Learned Counsel for the Plaintiff with Plaintiff.
Mr. B S Rajesh Agrajit, Mr. Siddharth Goswami and Mr. Sachin Choudhary, Learned Counsel for the Defendant with Defendant.

I have heard the parties for some time on the issue of maintainability. Learned Counsel for the Plaintiff has placed reliance on *Sharadama vs. Mohammed Pyrejan, (2016) 1 SCC 730*, to show that pending a suit, even if, the Plaintiff assigns the property to a third party and loses interest therein, he is entitled to continue the suit unless the assignee impleads himself.

Learned Counsel for the Defendant No. 3, on the other hand, has not objected to the legal proposition though on facts he maintains that the Plaintiff ought not to be allowed to continue this suit as the assignee has not impleaded herself.

Prima facie this Court is of the opinion that the Plaintiff, in view of the above judgment, can maintain and continue this suit.

Learned Counsel for the Plaintiff seeks a final opportunity to comply with order dated 10.07.2025 within two weeks from today.

Let the MCD inspect the suit property and furnish a report as to whether there is any deviation from the sanction plan and whether any new construction is there which is not protected under the Extant Law.

List on 07.10.2026.

(VAIBHAV PRATAP SINGH)
Civil Judge, Patiala House Courts
New Delhi District, Delhi/08.07.2026