

Civ DJ 238/18

SUBHASH DIWAN Vs. SUNIL DIWAN AND ANR

25.07.2019

Pr: Plaintiff in person with counsel Ms.Meena Jha from legal aid.

Sh.Harsh Kumar, Ld.counsel for defendants no.1 and 2.

Reply filed today by defendant to the pending application of plaintiff under Section 151 CPC.

Part arguments heard today.

During the course of arguments, ld.counsel for defendant has objected to the application filed by plaintiff for asking the defendant to issue NOC on the ground that under the garb of NOC from the defendant, plaintiff is applying for fresh electricity connection and not getting the earlier one restored.

The plaintiff has not filed on record any document to show that plaintiff has applied for restoration of earlier connection.

An adjournment has been sought by plaintiff's counsel for producing the application made by plaintiff before the NDPL for restoration of electricity connection.

Further, no reply is being filed by plaintiff to the pending application of defendant no.2 seeking deletion from the array of parties filed under Order 1 rule 10 CPC.

Ld.counsel for plaintiff submits that she will argue the said application rightaway without filing any reply.

Arguments heard.

Vide the present application, defendant no.2 has sought her deletion from the array of parties on the ground that she was one of the legal heir of Late Sh.O.P.Dewan and she had relinquished her undivided share in favour of defendant no.1 vide registered relinquishment deed dated 10.11.2017.

The application is supported with the copy of

relinquishment deed as well as affidavit of defendant no.2.

In the facts, I am satisfied that defendant no.2 has relinquished her undivided share in favour of defendant no.1 and, therefore, she is no longer a necessary party in the present case which pertains to partition. **Hence, the application filed is allowed and defendant no.2 is deleted from the array of parties.**

Amended memo of parties be filed on record by the next date of hearing.

Ld.counsel for plaintiff further submits that she will file the written statement to the counter claim within one week and she will also supply the advance copy of the same to the defendants counsel.

Put up on 09.09.2019 for further proceedings.

**(Vikas Dhull)
ADJ-01/West/THC/Delhi**