

Civ DJ 326/2023
Rajesh Saini Vs.
Suman

26.02.2024

Present: Plaintiff with Ld. Counsel Sh. Sanjay Kumar.
 Sh. Rajat Sang, Ld. Counsel for defendant (through
 VC).
 Son of defendant.
 Sh. N. K. Mishra, Ld. Counsel for proposed
 defendant Sh. Mohan Kumar Verma.

Replies to the application u/o 1 Rule 10 CPC are
filed/ received on behalf of defendant and proposed defendant.
Be taken on record. Copies supplied.

Arguments heard on the application u/o 1 Rule 10
CPC.

Record perused. Mainly it is stated that in the
written statement the defendant has alleged that installation of
iron gate and lift in the building has to be done by the builder and
that the builder is necessary party in the suit.

The aforesaid plea has not been objected to on
behalf of the proposed defendant whereas it has been opposed on
behalf of the defendant mainly on the ground that the applicant/
plaintiff has failed to raise any specific averment regarding the
reason for making the proposed defendant as party. From the
nature of reliefs sought by the plaintiff in the present matter and
considering the contentions of defence contained in the written
statement, this Court is of considered view that in the present
matter presence of proposed defendant Sh. Mohan Kumar Verma

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before the Court is necessary to adjudicate the matter effectively and completely, hence, the present application is being allowed. Sh. Mohan Kumar Verma is impleaded as D-2 in the present matter.

The plaintiff is directed to make consequential amendments in the plaint and to file amended plaint before the Court within two weeks with advance copy to the defendants. After receiving the amended plaint the D-2 and D-1, if required, shall file written statements within 30 days with advance copy to the opposite side.

At this stage, Ld. Counsel for the plaintiff has insisted that application of the plaintiff for seeking interim relief, be taken up for hearing on priority.

Put up for consideration/ arguments on the interim injunction application on **15.04.2024**.

(GOPAL SINGH CHAUHAN)
ADJ-03, WEST/DELHI
26.02.2024