

04.06.2024

Present: None for the parties.

Today, the case is fixed for passing order on an application under order 1 rule 10 CPC moved by the plaintiff to implead Ms Poonam as proposed defendant no. 4.

It is averred in the application that from the written statement filed by defendant no. 1 & 2, the plaintiff came to know that the proposed defendant is the owner of the suit property.

It is argued by the plaintiff that he has filed suit for mandatory injunction and permanent injunction against defendant no. 1 & 2 to demolish the illegal construction as well as restraining them from further raising illegal construction on the suit property. It is further argued by ld counsel for the plaintiff that the proposed defendant is the owner of the suit property. So, the proposed defendant is necessary and proper party in the present suit.

On the LDOH, the ld counsel for proposed defendant had given no objection for impleading proposed defendant as party in the present suit.

Case file perused.

In view of the abovesaid facts, it is prima facie established that Ms Poonam is a proper and necessary party in the present case. It is settled law that the plaintiff is the master of his case and he is the right to implead necessary and proper party in the suit under order 1 rule 10 CPC. Therefore, the application under order 1 rule 10 CPC is allowed. Ms Poonam is impleaded as defendant no. 4 in the present suit.

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Plaintiff is directed to file amended memo of parties within one month.

Ms Poonam/defendant no. 4 is allowed to file written statement within 30 days from today with advance copy to ld counsel for the plaintiff.

Put up on **06.08.2024** for completion of pleadings, for filing affidavit for admission/denial of documents and for framing of issues.

(SHIV KUMAR)
District Judge-02,Court no.127,
West Distt, Tis Hazari courts
Delhi 04.06.2024