

Present: Sh. Hitesh Parashar, counsel for the applicant Kapil.
Sh. V.S. Bhati, counsel for the respondent/plaintiffs.

**APPLICATION UNDER ORDER 1 RULE 10 READ WITH ORDER 39 RULE 4
AND SECTION 151 CPC FOR IMPLEADMENT AND FOR VACATION OF
EXPARTE STATUS QUO ORDER DATED 03.04.2025 & 28.04.2025 FILED BY
APPLICANT KAPIL**

ORDER:

The present order shall dispose of an application filed by the applicant under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, seeking impleadment as a party in the present suit as well as modification of the ex-parte order dated 03.04.2025 whereby this Court had directed the parties to maintain status quo with respect to the suit property.

2. Briefly stated, the present suit was instituted by the plaintiff against the defendants with respect to the suit property as specifically described in the original plaint i.e, **agriculture land bearing Khewat No. 232/209, Khatoni No. 254, Rect No. 3, Killa No. 11/1(4-0), Rect No. 4, Killa No. 7/2(4-0), 8(1-19), 13(1-12),14(8-0), Kita-5 measuring 19 Kanals 11 Marlas, situates within the revenue estate of village Madalpur, Tehsil Dhauj, District Faridabad.** The defendants, despite service, failed to appear before the Court and were accordingly proceeded ex-parte. Thereafter, upon consideration of the ad interim relief sought by the plaintiff, this Court vide order dated 03.04.2025 directed the parties to maintain status quo qua the suit property.

It is further a matter of record that subsequently the plaintiff moved an application under Order VI Rule 17 CPC seeking amendment of the plaint, whereby certain additional properties were sought to be incorporated within the scope of the suit. Along with the said application, a proposed amended plaint was also filed on record. However, the said application for amendment was later withdrawn by the plaintiff and was never adjudicated upon by this Court, and consequently, the amended plaint was not taken on record.

It has further been submitted by the applicant that he is a necessary and proper party in respect of the property mentioned in the proposed amended plaint and, therefore, he is liable to be impleaded as a party to the present suit. It has also been prayed that the status quo order passed by this Court be modified to the extent that it should not operate qua the property mentioned in the proposed amended plaint.

3. Per contra, reply to the application has been filed by the plaintiff, wherein it has been contended that since the application under Order VI Rule 17 CPC was withdrawn, the amended plaint has no legal existence in the eyes of law and cannot be treated as part of the pleadings. It is thus submitted that the present application is wholly misconceived and not maintainable.

4. I have heard the submissions and perused the record.

5. It is a settled proposition of law that unless an amendment sought under Order VI Rule 17 CPC is allowed by the Court, the proposed amended plaint does not form part of the pleadings. Mere filing of an amended plaint along with an application does not enlarge the scope of the suit unless the same is duly permitted by the Court. In the present case, the application for amendment having been withdrawn by the plaintiff, the proposed amended plaint never came to be taken on record and, therefore, cannot be looked into for any purpose. Accordingly, the suit as it stands is confined only to the suit property as described in the original plaint.

6. Insofar as the prayer for impleadment under Order I Rule 10 CPC is concerned, the applicant seeks to derive his locus solely on the basis of the property mentioned in the proposed amended plaint. However, since the said amended plaint is not part of the record, the property referred therein cannot be treated as the subject matter of the present suit. Consequently, the applicant cannot be said to be either a necessary or a proper party for the effective adjudication of the present dispute.

7. As regards the prayer for modification of the status quo order dated 03.04.2025, it is clarified that the said order was passed in respect of the suit property as described in the original plaint. **However, in order to remove any ambiguity, the order dated 03.04.2025 is hereby modified to the limited extent that the direction of maintaining status quo shall operate strictly with respect to the suit property i.e, agriculture land bearing Khewat No. 232/209, Khatoni No. 254, Rect No. 3, Killa No. 11/1(4-0), Rect No. 4, Killa No. 7/2(4-0), 8(1-19), 13(1-12),14(8-0), Kita-5 measuring 19 Kanals 11 Marlas, situates within the revenue estate of village Madalpur, Tehsil Dhauj, District Faridabad as described in the original plaint and shall not extend to any property which was sought to be introduced by way of the withdrawn amendment of plaint application.**

8. In view of the above discussion, this Court is of the considered opinion that the applicant has failed to make out any ground for impleadment under Order I Rule 10 CPC. Accordingly, the present application stands disposed of as being devoid of merit and infructuous.

9. Nothing stated herein shall be construed as an expression on the merits of the main suit.

Pronounced in the Open Court.

Dated 20.04.2026

(Virender Kumar)
Civil Judge (Jr. Divn.),
Faridabad/UID No. HR-00668

Note: This order contains total **three (3)** pages and each page of this order has been dictated, checked and signed by me.

(Virender Kumar)
Civil Judge (Jr. Divn.),
Faridabad/UID No. HR-00668
20.04.2026

Sagar/Stenographer Gr. II