

Suit No. 330/2019

Mukesh Kumar Sharma Vs. Manoj Kumar Sharma And Others

20.11.2020

Present: Sh. Parikshit Mahipal, Ld. LAC with plaintiff.

Sh. Ankit Dixit, Ld. Counsel for all the defendants including the proposed defendants.

**File taken up in physical hearing.**

Ld. Counsel for plaintiff submits that in view of the observations made by this court in the order dated 15.07.2020 the present application U/o. 1 Rule 10 CPC for impleadment of Ms. Binny Sharma and Ms. Archana Sharma has been filed as they are the necessary parties to the suit since, they are the owners of the suit property.

Reply to the application filed on behalf of proposed defendants stating that no relief has been claimed against the proposed defendants., that the proposed defendants are not the necessary parties and further that the plaintiff was allowed to stay in the suit property at the request of their husband only for a short period without any fee or compensation meaning thereby that the plaintiff was only a gratuitous licensee. IT is further submitted that the application U/o. 39 Rules 1 and 2 CPC of the plaintiff was dismissed on this ground as well as other grounds and in view of the same the application is not maintainable.

Contd...2/-

Arguments heard. Record perused including the order dated 15.07.2020.

The proposed defendants, Ms. Binny Sharma and Ms. Archana Sharma are the joint owners of the suit property and wives of the defendants No. 1 and 2. In my opinion, the presence of the proposed defendants are necessary for the effective disposal of the case as they are the joint owners of the suit property. In the absence of the proposed defendants all the controversy in the suit cannot be effectively disposed-of. Accordingly, the proposed defendants i.e. Ms. Binny Sharma and Ms. Archana Sharma are added as defendants No. 6 and 7 respectively. Amended memo of parties is already on record. Plaintiff is directed to file the amended plaint as new defendants have been added.

Put up for WS, if any, on behalf of the proposed defendants. Amended plaint be supplied to earlier defendants as well as defendants added today.

Re-notify on 11.01.2021.

(HEM RAJ)  
ADJ-08 : CENTRAL : THC : DELHI.  
20.11.2020.