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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 66/2021 & I.A. 6781-6785/2022**

MR. VIRENDRA SAHLOT

..... Plaintiff

Through: Mr. Jayant Mehta, Senior Advocate
with Mr. Samrat Nigam, Advocate
and Mr. Satya Sabharwal, Advocate.

versus

MS. PRITI SURI & ORS.

..... Defendants

Through: Mr. Neeraj Grover, Advocate with
Mr. Kashish Sethi, Advocate for
proposed defendant Nos.5 to 9.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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02.05.2022

I.A. 6785/2022 (under Order 1 Rule 10 CPC)

By way of the present application filed by the plaintiff under Order 1 Rule 10 of the Code of Civil Procedure 1908 (CPC), the plaintiff seeks impleadment of parties with the following particulars as defendants Nos.5,6,7,8,9,10 and 11 in the suit :

***“M/S MUNJAAL BOUTIQUE HOMES PVT LTD.
OFFICE AT: F 6/5, BLOCK F,
VASANT VIHAR, NEW DELHI, DELHI
110057***

..DEFENDANT NO. 5

***MR. SANJEEV MUNJAL
DIRECTOR MUNJAAL BOUTIQUE HOMES***



PVT LTD, Email Id: info@munjaal.co.in
OFFICE AT: F 6/5, BLOCK F,
VASANT VIHAR, NEW DELHI,
DELHI 110057

..DEFENDANT NO.6

MR. BHUPESH KUMAR DHINGRA
S/O LATE R.N. DHINGRA
DIRECTOR MUNJAAL BOUTIQUE HOMES
PVT LTD Email Id: info@munjaal.co.in
OFFICE AT: F 6/5, BLOCK F, VASANT
VIHAR, NEW DELHI - 110057,

..DEFENDANT NO.7

MS. POONAM DHINGRA
R/O F-6/5 VASANT VIHAR,
NEW DELHI-110057,
mail Id: info@munjaal.co.in ..DEFENDANT NO. 8

MS. SUKRITI DHINGRA,
R/O F-6/5 VASANT VIHAR,
NEW DELHI-110057
Mail id: info@munjaal.co.in ...DEFENDANT NO.9

MR. GURVIR INDER SINGH
S/O LATE BRIG. RAJENDRA SINGH (RETD.)
R/O 1150, XIMER, CANDOLIM
GOA- 403515
..DEFENDANT NO. 10

MR. JUGVIR INDER SINGH
S/O LATE BRIG. RAJENDRA SINGH (RETD.)
R/O 1150, XIMER, CANDOLIM
GOA- 403515
..DEFENDANT NO. 11

2. Mr. Jayant Mehta, learned senior counsel for the plaintiff submits that the suit seeks specific performance of Agreement to Sell dated



12.01.2006 in respect of 50% share in property bearing No. B-21, West End, Diplomatic Enclave Extension, New Delhi.

3. Senior counsel submits that proposed defendant Nos.5 to 9 are entities/persons who have acquired shares of defendant Nos.1 and 2, which amount to 50% share in the subject property by a sale deed dated 22.02.2022. It is further submitted that proposed defendants Nos.10 and 11 are the brothers of defendants Nos.1 and 2, who are owners of the remaining 50% share in the subject property.
4. It is urged that considering the nature of the suit and the reliefs prayed for, proposed defendants Nos.5 to 11 are necessary parties to the suit.
5. Issue notice.
6. Mr. Neeraj Grover, learned counsel appears for proposed defendants Nos.5 to 9 on advance copy; accepts notice; and seeks time to file reply.
7. Upon the plaintiff taking steps, let notice be sent to proposed defendants Nos.10 and 11, returnable for the next date.
8. Let reply be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
9. List on 19th September 2022, the date already fixed.
10. Senior counsel contends that the plaintiff's entire case is that the rights and interests of the plaintiff in the subject property have been transferred by defendants Nos.1 and 2 to proposed defendants Nos.5 to 9 during the pendency of the suit, which would cause serious prejudice to the plaintiff in obtaining effective relief in this specific performance suit. Senior counsel further submits that it is for this reason that the plaintiff has also moved an application bearing I.A.



No.6781/2022 under Order XXXIX Rules 1 and 2 CPC, seeking interim order of restraint against the defendants, including against the proposed defendants.

11. Considering however the somewhat peculiar situation where interim relief is being sought against defendants who are yet to be impleaded as such; and are in fact seeking to file a reply opposing impleadment, the only relief that can be granted at this stage, is to observe that any transaction in respect to any right, title or interest whatsoever in or to property No.B-21 West End, Diplomatic Enclave Extension, New Delhi shall be subject to the principle of *lis pendens*, as may be applicable in the context of the present suit.

I.A. Nos.6781/2022, 6782/2022, 6783/2022 & 6784/2022

12. List on 19th September 2022, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

MAY 2, 2022

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