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

+ RFA 361/2007

SUNIL KANWAR

..... Appellant

Through Ms.Preeti Mittal, Advocate

versus

ANIL KANWAR & ORS.

..... Respondents

Through Mr.Lalit Gupta & Mr.Dhananjaya
Sud, Advocatews

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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23.01.2017

CM No.8581/2016

This is an application under Order 22 Rule 10 CPC filed by the applicant who states that he has purchased 7/8th undivided share in the suit property on 02.08.2013 from one Smt.Rani Tara Devi. Before the resigstration of this sale deed, a relinquishment deed dated 09.04.2013 was executed in favour of Smt.Rani Tara Devi by co-owners of 5/8th undivided share being the share of respondents No.2, 4, 5, 6, 7 and another relinquishment deed 13.06.2013 executed by LR's of late Sh.Anil Kumar @ Anil Kanwar- respondent No.1. Hence, in view of the above relinquishment deeds, Smt. Rani Tara Devi had become the owner of the 7/8th undivided share in the suit property.

The learned counsel for the applicant relies upon the judgment of the Supreme Court in the case of *Dhurandhar Prasad Singh v. Jai Prakash*



Unversity, AIR(SC) 2001 2552 to contend that when the devolution takes place during the pendency of the suit, the new owners should be impleaded under Order 22 Rule 10 CPC.

I have seen the reply of the appellant, a copy of which has been shown to me by the learned counsel for the respondent. There is no serious objection to this application. Accordingly, the present application is allowed and the applicant shall be substituted in place of the respondent in the appeal.

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Amended memo of parties be filed within two weeks from today.

List in due course.

JAYANT NATH, J.

JANUARY 23, 2017/v