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

+ **CM(M) 1817/2025**

SURINDER SEHRA

.....Petitioner

Through: Ms. Ayushi Aggarwal, Advocate

versus

S. MOHINDER SINGH ANAND & ORS.

.....Respondents

Through: Mr. Sanjeev Sharma and Mr. Shivam
Khurana, Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **16.09.2025**

CM APPL. 58534/2025 & CM APPL. 58535/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 58536/2025 (delay of 17 days in re-filing the petition)

2. For the reasons mentioned therein, the application for condonation of delay in re-filing the petition is allowed.

CM(M) 1817/2025 & CM APPL. 58533/2025 (stay)

3. The petitioner has assailed order dated 01.04.2025 of the learned Additional Rent Controller, whereby in the eviction proceedings under Section 14(1)(e) of the Delhi Rent Control Act, application of petitioner under Order I Rule 10 CPC for impleadment as co-respondent was dismissed.

4. Learned counsel for respondents no. 1 & 2 appearing on advance intimation accepts notice.



5. Broadly speaking, the application of the petitioner under Order I Rule 10 CPC was dismissed by the learned Additional Rent Controller, holding that he is not a necessary party and there is already a civil suit *qua* ownership of the subject property pending between him and the present respondents no. 1 & 2. The petitioner is brother of the present respondent no. 3, against whom respondents no. 1 & 2 filed eviction petition. According to the present respondents no. 1 & 2, the tenant originally inducted was father of the present petitioner and the present respondent no. 3, who took a plea of independent right in the subject property.
6. Even if the stand of the present respondents no. 1 & 2 is accepted, the tenancy was inherited by the present respondent no. 3 as well as by present petitioner, therefore, *prima facie*, he would be a necessary party, so that he may be able to defend himself against eviction.
7. In view of above circumstances, proceedings before the trial court are directed to be stayed till next date.
8. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent no. 3, returnable on 19.12.2025 before Registrar.

GIRISH KATHPALIA, J

SEPTEMBER 16, 2025/as