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

+ CM(M) 4086/2024 & CM APPL. 73498/2024 (stay)

SMT. POONAM PAHWA & ORS.Petitioners

Through: Mr. Naresh Thanai, Advocate.

versus

SMT. KAMLA (DECEASED) THROUGH LRSRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

16.12.2024

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1. Petitioner filed a suit for possession under Section 6 of the Specific Relief Act [**'the Act'**] against one Smt. Kamla. Smt. Kamla died during the pendency of the case. Her son, Sh. Anil Kumar was substituted on her behalf. Later, one Smt. Satbir Kaur Bhatia [hereinafter, 'Satbir'] was also impleaded as defendant on the basis of an alleged will executed by Smt. Kamla. The said Satbir filed a petition for grant of probate, which has since been dismissed.

2. Pursuant to the dismissal of the probate petition, petitioner filed an application for deletion of the name of Satbir from the array of parties but such application has been dismissed by the Trial Court vide order dated 04.09.2024. However, the order qua the dismissal of the said application of the petitioner is not under challenge in the present petition.

3. Satbir also filed an application under Order 1 Rule 10 CPC, stating that the property in question has been acquired by the Government and,



therefore, the Government be impleaded as a party.

4. The learned Trial Court vide impugned order dated 04.09.2024, allowed the application of Satbir and impleaded Government of India as a party.

5. The learned counsel submits that in a suit under Section 6 of the Act, the question of title of plaintiff is of no consideration, and therefore, Government of India is not a necessary party in the suit.

6. Issue notice of the petition to the respondents, subject to taking the necessary steps.

7. List on 24.04.2025.

RAVINDER DUDEJA, J

DECEMBER 16, 2024/vp