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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS (OS) 157/2018**

INDRA JAIN

..... Plaintiff

Through: Mr. Vikrant Goyal and Mr.  
Manoranjan Sharma, Advocates with  
Mr. Amit Jain, in person.  
(M:9717591156)

versus

HEMISH NAGPAL

..... Defendant

Through: Dr. Seema Singhal, Advocate.  
(M:8447929809)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **31.10.2018**

**I.A. 7292/2018 (u/O VII Rule 11 CPC)**

1. This is an application under Section VII Rule 11 CPC filed on the ground that Defendant has already sold the property and hence there is no cause of action. A perusal of the plaint and documents shows that the property was undivided property and originally the property was in the name of the Plaintiff's mother and uncle. The Defendant purchased the undivided share of his uncle and, despite Plaintiff's offering a higher price, has chosen not to sell the same to the Plaintiff. Since the undivided share of the property is stated to have been sold, without permission from the DDA, the Plaintiff has filed the present suit seeking various reliefs. At this stage, it is not possible to hold that the plaint does not disclose any cause of action. I.A. is dismissed.

**I.A. 9452/2018 (u/O I Rule 10 CPC)**

2. The Plaintiff wishes to implead the purchaser to whom the Defendant has sold the property and the subsequent purchasers. Accordingly, (1) Smt.



Santosh Jain W/o Late Sh. Maman Chand Jain, (2) Smt. Geeta Jain W/o Sh. Jai Bhagwan Jain, (3) Smt. Riya Jain W/o Sh. Saurabh Jain, (4) Sh. Jai Bhagwan Jain S/o Late Sh. Maman Chand Jain & (5) Sh. Saurabh Jain S/o Late Sh. Maman Chand Jain are impleaded as the Defendant Nos.2 to 6 in the suit. I.A. is disposed of in the above terms.

**I.A. 11548/2018 – (Order 1 Rule 10 CPC)**

3. Emails on record show that Plaintiff and Defendant had jointly applied to the DDA for converting the property from leasehold to freehold. In view of the fact that the Defendant sold his undivided share in the property, without permission of the DDA, Plaintiff apprehends that various penalties may be imposed. In any event, the main cause of action of Plaintiff is against this Defendant. The Defendant cannot be struck off from the array of the parties. I.A. is dismissed.

**CS (OS) 157/2018, I.As. 4971/2018, 9453/2018 & 11748/2018**

4. Let the amended plaint be filed within one week. Issue summons of the amended suit and notice of the applications to the newly impleaded Defendant Nos.2 to 6. Let the summons and notice be served upon them *dasti*. The said Defendants shall file their written statement(s) within 30 days as per the Delhi High Court (Original Side) Rules, 2018 along with the affidavit of admission/denial. If they wish to seek inspection of any documents, they shall do so within the permissible timelines.

5. List before the Joint Registrar on 17<sup>th</sup> December, 2018. List before the Court on 31<sup>st</sup> January, 2019.

**PRATHIBA M. SINGH, J.**

**OCTOBER 31, 2018/dk**