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

+ RFA 307/2016

ANITA Appellant

Through Ms.Kavita Rani, Adv.

versus

PREM CHAND Respondent

Through Mr.J.S. Arya, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.08.2017

C.M.No.28813/2017 (Under Order 1 Rule 10 CPC)

The present application has been moved by the appellant under Order 1 Rule 10 CPC for impleading one Mr.Vinod Karotia as necessary party. No reply has been filed by the respondent.

I have heard the learned counsel for the parties.

Submissions made by the counsel for the appellant are that the appellant-herein is Judgment Debtor and decree of possession has been passed in favour of the plaintiff/respondent who happened to be father-in-law of the appellant. Evidence was led and issues were framed and ultimately the suit was decreed against the appellant.

Counsel for the respondent has submitted that the suit was filed by the plaintiff/respondent which was decreed in his favour. He further submitted that Mr.Vinod Karotia was never a party before the trial court.



Counsel for the appellant/applicant failed to establish that Mr.Vinod Karotia is a necessary party for just adjudication of the appeal. More the reason that the trial has already been completed by the trial court and decree which has been passed against the appellant is to be set aside or otherwise on the grounds taken by the appellant on the material available before the trial court.

In the facts and circumstances, I do not find any merit in the present application. Application is accordingly dismissed.

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It has been submitted that no settlement has been arrived at between the parties.

Admitted.

List in the category of Regular Matters and be taken up on its own turn.

P.S.TEJI, J

AUGUST 11, 2017
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