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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 395/2016

SH CHARANJIV SINGH GADH

..... Plaintiff

Through

Mr. Mahir Malhotra, Adv.

versus

SH SARABJIT SINGH & ORS

..... Defendant

Through

Mr. Jagjit Singh, Adv. for D-1

Mr. K. J. S. Kalra, Adv. for D-2&3

Mr. Rakesh Mittal, Adv. for D-4

Mr. Vikrant Pachnanda, Adv. for D-7

Mr. Jayesh Kain, Adv. for proposed
D-8

Mr. Suresh Sharma, Adv. for
proposed D-9

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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19.07.2019

**IA No.14919/2017 u/O I R 10 CPC moved by plaintiff for
impleadment of proposed defendant no.8 to 11**

Pleadings qua defendant no.9 are already complete.

Defendant no.8 has given no objection to the captioned IA.

Proposed defendant no.10&11 were un-served. Plaintiff had stated that the captioned IA was not being pressed qua defendant no.10. Learned counsel for defendant no.2&3 had stated that defendant no.11 was a tenant and has since vacated the premises in question. Affidavit of defendant no.2 in this regard has been filed on record. It is asserted by defendant no.2 that premises in question is in the possession of defendant no.2. Plaintiff submits that the captioned IA is not being pressed qua defendant no.11.

Accordingly the captioned IA is being considered qua proposed

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defendant no.8&9. The assertions of defendant no.9 is that he is a bonafide purchaser against consideration of first floor of reconstructed suit property having purchased the same from defendant no.3. The captioned suit is for declaration, cancelation of registered documents, partition, permanent and mandatory injunction.

In as much as, the present suit is for *inter alia* partition of the suit property, wherein proposed defendant no.9 is asserted to be bonafide purchase of the first floor and defendant no.8 is asserted to be the purchaser of second floor of the reconstructed suit property, the presence of defendant no.8&9 is necessary for complete and final adjudication of the present suit. Furthermore, defendant no.8&9 have a substantial interest in the subject matter of the suit.

Thus, to my mind, the proposed defendant no.8&9 are necessary and proper party for just decision of the present suit. Accordingly defendant no.8&9 are directed to be impleaded as defendants in the present matter. Amended memo of parties be filed by next date of hearing. IA stands disposed of.

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Let newly impleaded defendant no.8&9 may file their written statement within four weeks subject to supply of copy of plaint alongwith documents by learned counsel for plaintiff against due acknowledgement within two weeks. Replication, if any, be filed by plaintiff within two weeks with copy to opposite side.

Admission/denial affidavit be also filed by the parties within

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the same timeline.

Re-notify the matter for completion of pleadings qua defendant no.8&9 on 12.09.2019.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 19, 2019/ab

[Click here to check corrigendum](#)