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

+ **CS(OS) 441/2016**

SHRI AKHIL KUMAR VASHNEY & ANR

..... Plaintiff

Represented by: Mr. Ashish Kapur, Ms. Chhavi
Luthra, Advs.

versus

SHRI RAJIV KUMAR

..... Defendant

Represented by: Mr. R.K. Sharma, Adv. for
defendant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.10.2017

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IA 5684/2017 (u/O I R. 10 CPC r/w O. 6 R.17 CPC by plaintiff)

By this application the plaintiff has sought to implead Smt. Richa Varshnev, W/o Shri Rajiv Kumar/ defendant No.1 as defendant No.2 besides the Sub-Registrar, Shahadara. The plaintiff has also sought necessary amendments in the plaint for the reason after the filing of the plaint, from the written statement plaintiff came to know that the sole defendant Rajiv Kumar has sold the property to his wife thus necessitating the amendment.

Learned counsel for the defendant Mr. Rajiv Kumar and proposed defendant Ms. Richa Varshnev who is the wife of Mr. Rajiv Kumar does not dispute that in the written statement Rajiv Kumar has claimed that the suit property has since been transferred to Ms. Richa Varshnev but he however objects to the impleadment of Sub-Registrar, Shahadara as defendant No.3.

CS(OS) 441/2016

Page 1 of 3



Having heard learned counsel for the parties and in view of the written statement filed by Rajiv Kumar, Smt. Richa Varshnev is a necessary party to the present suit. Consequently, the amendment in the memo of parties permitting Rajiv Kumar as defendant No.1 and Smt. Richa Varshnev as defendant No.2 with consequential amendment by adding para 16A and prayer clauses in the suit is allowed. This Court finds that there is no necessity of impleading Sub-Registrar, Shahadara, Delhi as a party for the reason in case the sale-deed is found to be null and void, necessary directions can be passed to the Sub-Registrar. Consequently, impleadment of Ms. Richa Varshnev is only permitted.

Application is disposed of permitting the plaintiff to file fresh amended memo of parties and the amended plaint within two weeks.

CS(OS) 441/2016

Amended memo of parties and plaint be filed within two weeks. Written statement on behalf of defendant No.1 and 2 be filed within the statutory period from service of the amended plaint. Replication within three weeks thereafter.

List before the learned Joint Registrar for admission denial of documents on 16th January, 2018.

Original documents if any by the parties be filed within two weeks before the date fixed before the learned Joint Registrar.

List before the Court for settling the issues on 3rd April, 2018.

IA 5683/2017 (u/S. 151 CPC by plaintiff)

Original documents are yet to be filed by the parties. Any directions for examination of the document by the expert would be given after this

CS(OS) 441/2016

Page 2 of 3



Court examines the document and finds the necessity of sending the same to the hand-writing expert.

List the application before Court on 3rd April, 2018.

IA 10794/2016 (u/O XXXIX R 1&2 CPC)

Having heard learned counsel for the parties and perusing the record parties are directed to maintain status quo with regard to title, possession and construction of suit premises comprising of ground, first and second floors till the disposal of the suit.

Application is disposed of.

MUKTA GUPTA, J.

OCTOBER 24, 2017
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CS(OS) 441/2016

Page 3 of 3