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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1606/2018 & CM APPL. 54574/2018**
KAMLESH KUMARI & ANR Petitioners

Through: Mr. Ankit Jain & Mr. Abhay Pratap
Singh, Advocates (M-8630526191)

versus

SUBHASH CHAND GOYAL & ANR Respondents
Through: Mr. Vidit Gupta, Mr. Harshit Jain &
Mr. Trivesh Sharma, Advocates for
R-2 (M-9910995511)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **19.02.2020**

The short question that arises in the present case is whether the applicant – Smt. Chandrakala Goyal is a necessary and proper party or not in the suit for specific performance filed by the Petitioners/Plaintiffs - Ms. Kamlesh Kumari and Mr. Pramod Goyal (*hereinafter*, “*Plaintiffs*”) against Respondent No.1/Defendant - Mr. Subhash Chand Goyal (*hereinafter*, “*Defendant*”) with whom there is an agreement to sell.

Mr. Ankit Jain, Id. counsel, submits that in view of the judgment of the Supreme Court in *Kasturi v. Iyyamperumal and Ors*, (2005) 6 SCC 733 the applicant is not a necessary or proper party in the suit. He submits that the Defendant is ready and willing to execute the sale deed in favour of the Plaintiffs.

Accordingly, let the Id. counsel for the Defendant/Respondent No.1 be served. Further, let the order passed in the suit for declaration, recovery of possession and damages, filed by the Plaintiffs against the applicant and other parties be also placed on record.

List on 16th April, 2020. This is a part-heard matter.

PRATHIBA M. SINGH, J.

FEBRUARY 19, 2020/*Rahul*