

FA No. 2 of 2017

Hon'ble Servesh Kumar Gupta, J.

Mr. Neeraj Garg, Advocate for the appellants.

Mr. M.S. Tyagi, Advocate for the respondents.

Learned counsel of the appellants has submitted that during the pendency of the suit itself an application 48C2 was moved to implead Smt. Chhaya Khanna as one of the defendants for the reason that a portion of the property was sold on 10.12.2015 by the defendant in favour of Smt. Chhaya Khanna. Such application was rejected by the Trial Court on 06.10.2016. Further, the Trial Court considered the application 50C2 moved under Order 8 Rule 10 CPC seeking to close the opportunity of the defendant to file the written statement. Such application was allowed closing the opportunity of the defendant to file its written statement and as a consequence an application 60 C2 moved by the defendant was rejected.

It has further been urged by the learned counsel of the appellant that the learned Trial Court in utter haste decreed the suit on 14.10.2016 without framing any point of determination refusing for the specific performance of the contract to decree the same for return of the money. So, such impugned judgment is under challenge.

I think Smt. Chhaya Khanna is the necessary party.

Issue notice to Smt. Chhaya Khanna for filing any objection (if any) against one of the grounds of the appeal as enumerated "H".

Steps be taken within a week.

List this matter after service.

Meanwhile, Smt. Khanna will also remain restrained from creating any encumbrance over the property in question. She will also maintain the status quo on the same.

(Servesh Kumar Gupta, J.)
27.12.2017

Pooja