

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

Date of Reserve: 3rd February, 2010
Date of Order: 9th March, 2010

CM (M) No. 119/2010

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09.03.2010

Frick India Limited

... Petitioner

Through: Ms. Malvika Rajkotia, Advocate and
Mr. Ramakant Sharma, Advocate

Versus

Manmohan Kaur & Ors.

... Respondents

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

By this petition, the petitioner has assailed dated 18th November, 2009 whereby an application under Order 1 rule 10 CPC filed by Mrs. Sonia Singh to be impleaded as a party was dismissed. Since the application of Mrs. Sonia Singh got dismissed, it is not understood how Frick India Limited could be an aggrieved party and file the present petition. The present petition is therefore mala fide filed just to delay the proceedings and is liable to be dismissed being not maintainable.

2. The respondent had let out premises to Frick India Limited. Mrs. Sonia Singh, wife of one of the Directors claimed that she was in possession of the premises and she was a necessary party. The learned ADJ observed that the agreement clearly reflected that the landlord had inducted Petitioner Company as a tenant. The agreement did not specify that it was for residence of Mrs. Sonia Singh and her husband. There was no privity of contract between the applicant and the landlord, neither the landlord had recognized applicant or her husband as tenant so she was not a necessary party and the application was dismissed.

3. I find that the order of the trial Court is self speaking and perfectly justified. The present petition is thus dismissed on dual grounds; one – the petitioner

had no right to assail the order and second – the order was within the jurisdiction of the Court.

4. Being a frivolous petition it is hereby dismissed with cost of Rs.25,000/-, to be deposited by the petitioner in the Prime Minister's Relief Fund. The cost shall be recovered by the trial Court from the petitioner and if cost is not paid, attachment of property and other modes of execution shall be applied by the trial Court for recovery of cost.

Copy of this order be sent to the Court below.

March 09, 2010
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SHIV NARAYAN DHINGRA, J.