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

+ **CM(M) 1167/2012**

NACHIKET BHATKAL Petitioner
Through: Mr.Rana Ranjit Singh, Adv.

versus

MOHANBIR SINGH & ORS Respondent
Through: Mr.D.D.Singh, Adv. for R1/Caveator.

+ **CM(M) 1169/2012**

NACHIKET BHATKAL Petitioner
Through: Mr.Rana Ranjit Singh, Adv.

versus

TAJBIR SINGH & ORS Respondent
Through: Mr.D.D.Singh, Adv. for R1/Caveator.

+ **CM(M) 1171/2012**

NACHIKET BHATKAL Petitioner
Through: Mr.Rana Ranjit Singh, Adv.

versus

NAVNEET SINGH & ORS Respondent
Through: Mr.D.D.Singh, Adv. for R1/Caveator.

+ **CM(M) 1172/2012**

NACHIKET BHATKAL Petitioner
Through: Mr.Rana Ranjit Singh, Adv.

versus

NIRMAL KAUR & ORS Respondent

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Through: Mr.D.D.Singh, Adv. for R1/Caveator.

+ CM(M) 1056/2012

NICHIKET BHATKAL

..... Petitioner

Through: Mr.Rana Ranjit Singh, Adv.

Versus

NAVNEET SINGH & ORS

..... Respondent

Through: Mr.D.D.Singh, Adv. for R1/Caveator.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

%

19.09.2012

Cav. 1087/2012 in CM(M) 1167/2012

Cav. 1089/2012 in CM(M) 1169/2012

Cav. 1094/2012 in CM(M) 1172/2012

Learned counsel for the caveator has put in appearance.

Applications stand disposed of.

CM 18255/2012 (exemption) in CM(M) 1167/2012

CM 18259/2012 (exemption) in CM(M) 1169/2012

CM 18263/2012 (exemption) in CM(M) 1171/2012

CM 18282/2012 (exemption) in CM(M) 1172/2012

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CM (M) 1056/2012 & CM 16558/2012

CM (M) 1167/2012 & CM 18254/2012

CM (M) 1169/2012 & CM 18258/2012

CM (M) 1171/2012 & CM 18262/2012

CM (M) 1172/2012 & CM 18281/2012

CM (M) 1056/2012 is already pending in this Court with next date of hearing as 18.03.2013. However, the same has been summoned from the Registry and is being taken today along with CM (M) 1167/2012, CM (M) 1169/2012, CM (M) 1171/2012 & CM (M) 1172/2012 being connected matters. Date of 18.03.2012 is cancelled in CM (M) 1056/2012.

All these petitions seek assailing the order dated 11.7.2012 of ADJ, whereby the applications under Order 1 Rule 10 (2) CPC filed by the petitioner/applicant to be impleaded him as necessary party in the suits which were filed by the respondent No. 1/plaintiff against the defendants, were dismissed.

It is seen that the impugned order has been passed by the learned ADJ observing that Ajay Vatan, who filed the instant applications under Order 1 Rule 10 (2) CPC as special attorney of the petitioner Nichiket Bhatkal, was himself already impleaded as defendant No. 3 in the suits filed by the respondent No. 1/plaintiff and was contesting the same. It is also observed that no documents have been filed by Ajay Vatan, showing Nichiket Bhatkal to be the owner or having any interest in the suit premises. It is pointed out by the learned counsel for the petitioner that the property being Khasra No. 304/1, measuring 500 sq. yds. Plus Farm, Holy Chowk, Neb Sarai Extension

was purchased by the petitioner Nichiket Bhatkal by virtue of registered documents such as GPA, Will, Agreement to Sell etc. way back in March, 2007 and the copies thereof, are already placed on record. It is also submitted that Nichiket Bhatkal was settled in Canada and has authorized Ajay Vatan by way of special power of attorney dated 8.3.2010 and the instant application under Order 1 Rule 10(2) CPC, were filed on 5.8.2010.

In CM 1056/2012, the learned counsel appearing for the respondent No. 1 had already put in appearance and accepted notice and sought time for filing reply. In other four cases, the learned counsel appearing for respondent No. 1 accepts notice today. He now does not wish to file reply in all the five cases. He concedes that without prejudice to the contentions that have been raised by the respondent No. 1 in the suits as regards ownership of Nichiket Bhatkal and other related issues in respect of the suit premises as also the validity of the Special Power of Attorney as executed in favour of Ajay Vatan, he does not oppose the instant petitions and the impleadment of Nichiket Bhatkal.

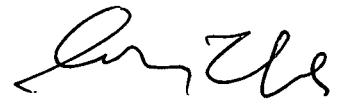
Consequently, nothing further survives in all these petitions and all the impugned orders are hereby set aside. The petitioner is permitted to pursue the suits as attorney of Nichiket Bhatkal and will be impleaded as

respondent No. 3 in all those suits.

At the request of both the parties, the learned ADJ shall expeditiously dispose of all these five cases. Respondent No. 1 will file amended memo of parties in all these cases within two weeks from today and the written statement, if any, be filed by the newly added respondent before the next date of hearing in the cases before the learned ADJ.

All these five petitions stand disposed of.

Dasti.



M.L. MEHTA, J

OCTOBER 19, 2012/awanish