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

+ **FAO(OS) 76/2016 & CM 8862/2016**

GOPAL SINGH HANOT Appellant

Through : Mr R. S. Rathi with Ms Kusum

versus

VIJAY SINGH HANOT & ORS Respondents

Through : Mr Sanjeev Kamra for R-1.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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03.05.2016

The respondent Nos. 1 to 3 have been served. The learned counsel for the respondent No.1 is present. Nobody is present on behalf of the respondent Nos. 2 and 3. The learned counsel for the respondent No.1 points out that the respondent Nos. 2 and 3 are not yet parties to the suit inasmuch as the application under Order 1 Rule 10 CPC, being IA 15970/2014, filed by the appellant/ plaintiff for impleading the respondent Nos. 2 and 3 as defendant Nos. 2 and 3, has been dismissed by the Joint Registrar (Judicial) by an order dated 09.09.2015. The learned counsel for the appellant states that a Chamber Appeal has been preferred against that order, being OA 365/2015, which is pending before the learned Single Judge.

It thus appears that the reference to the respondent Nos. 2 and 3 as defendant Nos. 2 and 3 in the impugned order is incorrect. At best, the respondent Nos. 2 and 3 can be referred to as proposed defendant Nos. 2 and 3.

Be that as it may, after hearing the learned counsel for the appellant and the respondent No. 1 (the respondent Nos. 2 and 3 have chosen not to appear despite service), we are of the view that the interim order passed against the respondent Nos. 2 and 3 shall continue till the disposal of the above mentioned OA by the learned Single Judge, whereupon the learned Single Judge would be at liberty to pass an order in accordance with law.

The appeal stands disposed of.

Dasti.

BADAR DURREZ AHMED, J

**MAY 03, 2016
SR**

SANJEEV SACHDEVA, J