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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 291/2016

NEELU HINGORANI

..... Petitioner

Through Mr.Rajesh Kumar, Advocate.

versus

ANOOP RALHAN

..... Respondent

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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01.04.2016

C.M. No.11289/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 291/2016 & C.M.No.11288/2016 (stay)

Petitioner is aggrieved by the order dated 02.11.2015 vide which his application filed under Order 1 Rule 10 of the CPC seeking impleadment of Poonam Juneja had been declined and rightly so.

Record shows that the present suit has been filed by the plaintiff Anoop Ralhan for recovery of Rs.57,700/- against the defendant Neelu Hingorani. As per the plaintiff he has purchased the suit property from the defendant vide a registered sale deed dated 12.7.2013. As per clause 10 of the said sale deed all arrears of house tax had to be cleared by the defendant. The plaintiff was asked by the House Tax Department to clear arrears of house tax up to 31.3.2004 and the

defendant was accordingly asked to pay this amount. This was at the time when the plaintiff had gone to the department to get the property mutated in his name. Learned counsel for the petitioner submits that Poonam Juneja was the erstwhile owner of the property and the house tax of the property for the corresponding period has to be paid by her that is why she is seeking impleadment of Poonam Juneja as a defendant. Further submission being that liability should be fastened upon Poonam Juneja and not upon the petitioner (defendant in the Trial Court).

The Court had noted the facts in the correct perspective. Clause 10 of the registered sale deed by virtue of which the plaintiff has purchased this property from the defendant has clearly stipulated that the seller had agreed to pay the entire dues/arrears of the house tax. The seller is Neelu Hingorani. In this background the question of impleadment of Poonam Juneja does not arise. If the petitioner, by the end of the litigation has any grievance and feels that he has been fastened with a liability which is not his liability he is at liberty to take appropriate proceedings against Poonam Juneja. In view of this explicit and clear wording of the clause 10 of the sale deed the impugned order recording that the proposed defendant (Poonam Juneja) is neither a necessary and nor a proper party is a finding suffers from no infirmity. Petition dismissed with cost quantified at Rs.10,000/-.

INDERMEET KAUR, J

APRIL 01, 2016/ndn