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

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FAO(OS)No.121/2017

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Date of decision : 21st April, 2017

AMARJEET KAUR

..... Appellant

Through: Mr. Vishal Bakshi, Mr. Amit
Dahiya and Mrs. Deepanshi
Kumar, Advs.

versus

NIRMAL KAUR

..... Respondent

Through: None.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The appellant assails the order dated 20th February, 2017 passed by the learned Single Judge allowing IA No. 1823/2017 which was filed by the respondents/plaintiff under Order 1 Rule 10 CPC praying for impleadment of the legal heirs of the deceased brother of the husband of the plaintiff.
2. We find that observations on the necessity of the impleadment had been made by the learned Single Judge in a prior order dated 23rd January, 2017.
3. The impugned order is premised on a consideration of the

necessity of the parties who were sought to be added as defendants for the reason that as per the averments in the plaint, these proposed defendants were co-owners alongwith the plaintiff/ respondent of the portion of the property, recovery or possession whereof was sought in the plaint.

Even otherwise, it cannot be disputed that the plaintiff is *dominus litus*.

4. The learned Single Judge has noted the opposition of the appellant *inter alia* on the ground that though the respondents had sought to add defendants in the suit, however, the requirement of law seeking an amendment in the plaint to explain the presence of those additional parties had not been filed. With regard to this objection, the learned Single Judge has rightly noted that this error could not come in the way of allowing the impleadment or the amendments sought.

In our view, the order passed by the learned Single Judge cannot be faulted on any legally tenable grounds.

This appeal is devoid of any merit and is dismissed.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

APRIL 21, 2017/kr