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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.719/2017
CAPT SUBODH BHASIN Petitioner
Through: Mr. Gaurav Mahajan and Mr. Lokesh
Chopra, Advs.
versus
PRAMOD BHASIN & ANR Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **18.07.2017**

CM No.24990/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

CM(M) No.719/2017.

3. This petition under Article 227 of the Constitution of India impugns the orders dated 19th April, 2017, 1st May, 2017, 15th May, 2017, 27th May, 2017, 8th June, 2017, 6th July, 2017 and 12th July, 2017 (of the Court of Additional District Judge-03 / Additional District Judge-02 (South East) Saket Courts, New Delhi) in CS No.348/16 & CS No.10742/16 filed by the respondent no.2 Vinod Bhasin for partition of immoveable property.
4. It is borne out from the record that besides the petitioner and the respondent no.1 Pramod Bhasin, Rita Seth and Savita Pathak are also defendants to the said suit.
5. The petitioner / defendant has not impleaded the said Rita Seth and Savita Pathak as parties to this petition.

6. Upon the same being pointed out to the counsel for the petitioner / defendant, he states that since the present petition does not concern the defendants Rita Seth and Savita Pathak, they were not impleaded.
7. It is not for the petitioner / defendant to unilaterally decide in a proceeding arising from a suit as to which of the parties to implead. In a proceeding, whether it be an appeal or a revision petition or a petition under Article 227 of the Constitution of India arising from a suit, all parties to the suit are required to be impleaded.
8. The petition is liable to be rejected on this ground alone.
9. The counsel for the petitioner / defendant seeks one week's time for taking appropriate steps.
10. What transpires is that an application for impleading legal representatives of "defendant no.5 Ved Prakash" in the suit is pending consideration before the learned Additional District Judge. The counsel for the petitioner / defendant on enquiry states that the said Ved Prakash was also a defendant in the suit. On enquiry whether there is any other defendant, the answer is in the negative.
11. During the pendency of the application for substitution of legal representatives of the said Ved Prakash, the petitioner / defendant filed an application seeking directions to the respondent no.1 herein Pramod Bhasin, living on the ground floor of the property, to not interfere with the water supply to the first floor in occupation of the petitioner / defendant and which application is pending consideration. The grievance of the petitioner / defendant is that the said application is not being taken up.

12. Considering that the suit is listed next before the Additional District Judge on 17th August, 2017 and further considering that time more than that would be taken in curing the present petition and in issuing notice thereof, it is deemed appropriate to dispose of this petition by requesting the learned Additional District Judge to take up the grievance of the petitioner / defendant with respect to water supply on an urgent basis and to dispose of the same within the month of August, 2017.

13. The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 18, 2017
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