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

+ CM(M) 764/2017 & CM No. 25891/2017(stay) & CM No.
25893/2017(for additional documents)

SAVITRI DEVI

..... Petitioner

Through: Mr. Mritunjay Kumar Singh, Adv.

versus

ARUN SRIVASTAVA & ANR

..... Respondents

Through: Mr. Sandeep Kumar & Mr. Karanjeet
Kumar, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **13.12.2017**

The petitioner had filed the application seeking impleadment as a party to the civil suit (CS No. 6649/2016) instituted by the first respondent (plaintiff before the trial court) against the second respondent (sole defendant before the trial court) describing the latter to be his tenant in occupation. The application moved by the petitioner invoking the provisions contained in Order I Rule 10, Order XXII Rule 10 and Section 151 Code of Civil Procedure, 1908 CPC has been dismissed by the trial Judge by order dated 17.04.2017 which is under challenge by the petition at hand.

The petitioner (applicant before the trial court) describes herself as the mother of the second respondent who she states is the owner of
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the subject property, he having left it under her care. According to pleadings, she is not aware of the present whereabouts of her son (the defendant in this suit) since, as per her submissions, he has shifted to another place due to the uncalled for disturbances by his wife.

The learned trial Court has rejected her application observing that there is nothing to show that she is a necessary or proper party to the suit in question, she having not claimed any independent right or interest in the subject property.

In the given facts and circumstances, the view taken by the trial Court cannot be faulted. The petitioner cannot impose herself on the plaintiff in the suit in question. She has no authority to represent the existing defendant. If she has independent rights or interest in subject property as against plaintiff of the suit, she would have to bring her own case before the appropriate forum.

The petition and the application filed therewith are dismissed.

Dasti under the signature of Court Master.

R.K.GAUBA, J

DECEMBER 13, 2017/umang