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

+ CM(M) 883/2015 and CM No. 20717/2015

PREETI NARANG & ANR Petitioners
Through Mr.P.P.Ahuja and Mr. J.S.Kohli,
Advocates.

versus

DAVINDER NARANG Respondent
Through Ms.Gita Dhingra, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

11.01.2017

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1. By the present petition filed under Article 227 of the constitution of India, the petitioners seek to challenge the order dated 10.07.2015 by which the application filed by the respondent under Order 6 Rule 17 CPC was allowed and the minor daughter of the petitioner, namely, Ms. Rabani Narang was added as a party though under Order 1 Rule 10 CPC.
2. The respondent has filed the present suit for possession, mesne profits, permanent and mandatory injunction against the petitioner/her daughter-in-law. In the written statement filed by the petitioner, a plea was taken that the plaint is liable to be rejected as the respondent had not impleaded the daughter of the petitioner-Ms.Rabani Narang.
3. Now, the respondent has moved the present application under Order 6 Rule 17 CPC seeking to implead Ms.Rabani Narang.

4. The trial court noted the objections of the petitioner to the application and concluded that the appropriate provision of law for moving the application is Order 1 Rule 10 CPC and not Order 6 Rule 17 CPC. Without going into the technicalities, the trial court impleaded Ms. Rabani Narang as a defendant under Order 1 Rule 10 CPC. The amended plaint was taken on record.

5. Learned counsel appearing for the petitioner has impugned the order stating that the application moved by the respondent was misconceived. It is urged that the application ought to have been under Order 1 Rule 10 CPC and the court should not have corrected the mistake. Further in the application, the respondent sought to implead Ms. Rabani Narang through the defendant/petitioner-Ms.Preeti Narang, her mother and natural guardian. Learned counsel submits that the petitioner-Ms.Preeti Narang would not like to be the guardian for her daughter Ms. Rabani Narang and hence, the father can be the guardian for the purpose of defending the present suit.

6. In my opinion, the submissions made by the petitioner are entirely misplaced. Under Order 1 Rule 10 CPC, this court can at any stage, even without an application by either party, join any party whose presence is necessary in order to enable the court effectually and completely adjudicate upon the question involved in the matter. Hence, there is no infirmity in impleading Ms.Preeti Narang.

7. Regarding the other objection of the petitioner to her appointment as a natural guardian to contest the suit on behalf of her minor daughter/Ms.Rabani Narang, the petitioner is free to raise this objection before the trial court.

8. There is no merit in the petition and the same is dismissed.

9. All pending applications also stand dismissed.

JAYANT NATH, J

JANUARY 11, 2017
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