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

+ CM(M) 775/2016

LIYAQAT ALI

..... Petitioner

Through: Mr. Maroof Ahmad for Mr. Bahar U.
Barqi, Advocate

versus

VIPIN KUMAR & ORS

..... Respondents

Through: Mr. Rajiv Bansal, Sr. Standing
counsel for DDA with Mr. Dhanesh
Relan, Ms. Vidhi Gupta & Ms. Gauri
Chaturvedi, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.03.2018

The impugned order dated 30.04.2016 was passed by the senior civil judge (South) on the file of suit (CS No. 311/2015) instituted by the first and second respondents (collectively, the plaintiffs) against the third respondent (the defendant). The Civil suit was instituted by the plaintiffs against the said defendant (Delhi Development Authority) to raise the contention that they are owner of the subject land described as property bearing no. 34, village Hauz Khas, New Delhi, it seemingly being the case of the Delhi Development Authority (DDA) that they are encroachers on government land. The suit seeks relief primarily in the nature of injunction. The petitioner herein had moved an application seeking impleadment under

Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) contending that the plaintiffs of the suit are land grabbers who have encroached on forest land their intention to deprive the villagers of clean and green environment. His application was dismissed by Senior Civil Judge holding that he was neither a necessary nor a proper party.

The petition at hand was filed in August, 2016. Thereafter the petitioner has not taken any interest in assisting the Court in hearing on merits. Today also proxy counsel only is present to seek adjournment on the ground counsel is pre-occupied elsewhere. There is no good reason why the matter should continue to linger on board like this. The counsel on the other side has been heard and the petition perused. There is no right, title or interest in the subject property asserted by the petitioner. In the given facts and circumstances, this Court upholds the view taken by the trial court. The petitioner is neither a necessary nor a proper party. He seemingly is a meddler brought in possibly to muddy the waters.

The petition and the application are dismissed.

R.K.GAUBA, J.

MARCH 05, 2018

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