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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 98/2018**

MANJU VERMA Petitioner
Through: Mr. Bhupesh Narula, Advocate.

versus

POONAM SHARMA & ORS Respondents
Through: Mr. P.N. Dhar, Advocate.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **03.04.2018**

1. The first respondent, the plaintiff of the suit, has appeared through counsel Mr. P.N. Dhar, who submits that given the background facts as noted in the order dated 23.01.2018, he is under instructions to concede to the prayer of the petitioner for impleadment as a party to the suit, this without prejudice to the contentions of the first respondent (plaintiff) that the documents on the basis of which the petitioner herein claims right, title or interest in the subject property are not valid.
2. The first respondent (plaintiff), through counsel, further submits that the impleadment of the petitioner may not be treated as concession of the plaintiff that the petitioner has a valid or legitimate interest in the subject property and further that liberty is sought to seek appropriate direction from the trial court for restraint order against the defendants including the petitioner against creation of any third party interest in the subject property so that there is no further complication in future.

3. In view of the above, the petition is allowed. The impugned order dated 21.09.2017 passed by the trial court on the file of civil suit (CS no.161/16) of the first respondent is set aside, the application of the petitioner under Order I Rule 10 CPC is allowed. She is impleaded as a defendant in the suit. The plaintiff of the case will submit an amended memo of parties and also would have the liberty to bring appropriate amendment to the plaint to bring on record her case qua the claim to the subject property as submitted by the petitioner. The plaintiff of the case also has the liberty to move an appropriate application for interim relief in the nature mentioned above. The contentions of all parties are kept open to be urged at the time of trial.

4. The petition is disposed of in above terms.

R.K.GAUBA, J

APRIL 03, 2018

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