

126 RSA-597-2021 (O&M)

**KAWAL SINGH AND ANOTHER
VS
CHANDER SHEKHAR AGGARWAL AND OTHERS**

Present: Mr. Puneet Bali, Senior Advocate
with Mr. Uday Agnihotri, Advocate
for the appellant(s).

Mr. Garangg Gupta, Advocate
for the respondent No.1.

Mr. Abhimanyu Tewari, Advocate
for the respondent No. 2 and 3.

Mr. D.V.Sharma, Senior Advocate
with Mr. Vaneet Soni, Advocate
for the respondent No.6, 7 and 9.

CM-5419-C-2021

Through this application, the original respondents in the appeal , pray for recall of the order dated 28.10.2021. On 28.10.2021, this Court had allowed the application under Order XXII Rule 10 CPC in order to add the subsequent vendees of the suit land as parties (respondents).

The learned counsel representing the applicant does not dispute that the suit property has already been transferred in favour of the subsequent vendees who have been impleaded as party. He submits that as the suit, as originally framed, is only for the relief of permanent injunction, therefore, the subsequent vendees cannot be impleaded as party.

On 15.09.2021 while issuing the notice of motion, the learned counsel representing the appellants have undertaken to amend the plaint to include the relief of specific performance and to pay the Court fee.

Keeping in view the aforesaid facts, the subsequent vendees, who are now the alleged owners of the property, are required to be heard.

Hence, no ground to recall the order dated 28.10.2021 and the present application is dismissed.

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A serious dispute between the parties, who are alleging fraud on each other. Keeping in view the aforesaid facts, the respondent No.1 is directed to appear in the Court on the date fixed.

List on 29.11.2021 for arguments.

(Anil Kshetarpal)
Judge

November 22, 2021
“DK”