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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1192/2022, CM APPL. 47729/2022, CM APPL. 47730/2022 and CM APPL. 47731/2022

RICKY ARORA AND ANOTHER Petitioners
Through: Mr. Praveen Suri and Ms. Pooja, Advs.

versus

JAGJIT SINGH SAHWNEY AND ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT(ORAL)
11.11.2022

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1. The impugned order dated 5th July 2022 has been passed by the learned Additional Rent Controller (“the learned ARC”) on an application filed by the respondents in Eviction Petition 77658/2016 under Order XXII Rule 4 of the Code of Civil Procedure, 1908 (CPC). By the said application, the respondents had originally sought to implead, consequent on the death of Ricky Arora, a tenant in the premises forming subject matter of the dispute, his legal representatives. However, at the time of hearing, the respondents restricted his prayer to impleadment of Vinny Arora, the spouse of Ricky Arora. Vinny Arora’s Counsel, who was present in Court, did not oppose the request. Accordingly, the impugned order dated 5th July 2022 impleads Vinny Arora and to that extent allows the application of the respondents under Order XXII Rule 4 of the CPC.

2. The contention of Mr. Suri, learned Counsel for the petitioners

in the present case, is that he is also a necessary party, as being a contractual tenant, in the proceedings and that there may be others who are also required to be impleaded.

3. For that purpose, the petitioners would have to move his own application under Order I Rule 10 of the CPC and, if he is aggrieved by the decision of the learned ARC thereon, can preserve his remedies thereagainst.

4. No occasion arises for the petitioner to have any grievance against the impugned order, which has been passed on the application under Order XXII Rule 4 of the CPC filed by the respondents.

5. Mr. Praveen Suri, at this stage, seeks leave to withdraw this petition with liberty to move an application under Order I Rule 10 or Order XXII Rule 4 of the CPC before the learned ARC in the aforesaid eviction proceedings.

6. Reserving liberty as aforesaid, the petition is disposed of as withdrawn. Miscellaneous applications also stand disposed of.

C.HARI SHANKAR, J

NOVEMBER 11, 2022

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