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

Date of decision: 11.12.2023

+ CM(M) 1596/2023 & CM APPL. 50334/2023

MR. PAWAN DUGGAL

..... Petitioner

Through: Mr. Shiv Chopra, Ms. Aadhyaa Khanna, Mr. Siddharth Arora and Mr. Dhananjay Parth, Advocates

versus

INDIA SOTHEBYS INTERNATIONAL REALTY

..... Respondent

Through: Mr. Aakanksha Kaul, Ms. Versha Singh and Ms. Rhea Borkotoky, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 24.08.2023 passed by District Judge, COMM-03, South East District, Saket Courts, New Delhi ('Trial Court') in CS (COMM) No. 249/2020, titled as **M/s India Sotheby's International Realty v. Samarjeet Singh Sandhu & Ors.**, dismissing the application filed by the Petitioner herein i.e., the defendant no.5 under Order I Rule 10 of the Code of Civil Procedure, 1908 ('CPC') seeking his deletion from the array of parties before the Trial Court.



- 1.1. The Petitioner herein is the defendant no.5 and the Respondent herein is plaintiff before the Trial Court.
- 1.2. The Respondent herein filed a suit under Order XXXVII CPC on 15.01.2021 for the recovery of Rs. 17,40,500/- against defendant nos. 1 and 2 (not party to this petition) and for recovery of Rs. 35,03,125/- against the defendant no. 3 to 5.
- 1.3. Thereafter, the Petitioner filed an application under Order I Rule 10 CPC on 26.11.2021 seeking his deletion from the array of parties.
- 1.4. Vide the impugned order the Trial Court dismissed the said application observing that the Petitioner is proper and necessary party and cannot be deleted merely on the ground that he is just director of the defendant no.3 company therein.
2. After some arguments, learned counsel for the Petitioner states that he seeks a limited relief from this Court to the effect that the Trial Court while finally adjudicating the suit will decide the liability, if any, of defendant No. 5 i.e., Petitioner uninfluenced by the observations made in the impugned order dated 24.08.2023.
3. In reply, learned counsel for the Respondent states that she has no objection to the relief sought by the Petitioner.
- 3.1 She states that in fact, in the impugned order, there is no observation adverse to the defendant No. 5 and the Trial Court has in fact observed that the veracity of the transactions will be decided at the stage of final adjudication.
4. This Court has heard the learned counsel for the parties and perused the order dated 24.08.2023.
5. It is needless to states that any observations made by the Trial Court



in the operative part of the impugned order are only for the purpose of deciding the application under Order I Rule 10 CPC on the principles governing the said provision and the same is not an expression on the merits of the defence raised by defendant No. 5; which needles to state will be subject to final adjudication at the time of the final hearing in the suit.

6. With the aforesaid observations, the present petition stands disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 11, 2023/rhc/sk

Click here to check corrigendum, if any