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

+ **CS(OS) 173/2019**

MR. MALVINDER SINGH

.....Plaintiff

Through: **Mr. Anant Nigam, Advocate.**

versus

MR. SH. JATINDER PAL SINGH & ORS.

.....Defendants

Through: **Mr. Harsh Sethi, Mr. Anant Nigam
and Mr. Raghav Luthra, Advocate for
D-1A and 1B, D-2A and 2B, D-3**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 16.10.2024

I.A. 41373/2024 In CS (OS) 173/2019 (Application under Order XXII Rule 10 for substitution)

1. This is an application filed under Order XXII Rule 10 of the Code of Civil Procedure, 1908 ('CPC') seeking substitution of defendant Nos. 1, 2 and 3. The application has been filed on behalf of Mrs. Ritu Singh, Mrs. Harsharan Kaur, Mr. Japan Meet Singh, Mr. Bhupinder Singh and Mr. Siddharth ('applicants').

2. Learned counsel for the applicants' states that defendant No.1/Jatinder Pal Singh has sold all his rights, title and interest in the suit property to Mrs. Ritu Singh and Mrs. Harsharan Kaur vide registered Sale Deed dated 12.07.2024 and has handed over the possession to the said purchasers. He states that the said subsequent purchasers seek substitution and impleadment as defendant nos. 1A and 1B.



2.1 He states that similarly, defendant No.2/ Mr. Rabinder Singh has sold all his right, title and interest in the suit property to Mr. Japan Meet Singh and Mr. Bhupinder Singh vide registered Sale Deed dated 11.07.2024 and has handed over possession to the said purchasers. He states that the said subsequent purchasers seek substitution and impleadment as defendant nos. 2A and 2B.

2.2 He states that defendant no. 3/Mrs. Manjit Singh and defendant no. 4/ Mr. Harjoth Singh have sold all their rights, title and interests in the suit property to Mr. Siddharth vide registered Sale Deed dated 12.07.2024 and have handed over possession to the said purchaser. He states that the said subsequent purchaser seeks substitution and impleadment as defendant no. 3.

2.3 He states that since the original defendants have executed the respective sale deeds, they have been left with no right, title or interest in the suit property. He states that in these admitted facts the new purchasers seek to be substituted in place of the original defendants.

3. Learned counsel for the plaintiff states on instructions from the plaintiff who is present in the Court that the plaintiff has no objection to the said application for substitution being allowed.

3.1 He states that in fact the plaintiff and the applicants i.e., new purchasers have since entered into a comprehensive settlement agreement dated 22.09.2024 for the redevelopment of the suit property and the settlement agreement has been filed in a separate suit i.e. CS(OS) No.232/3023, which is also listed today.

3.2 Accordingly, in view of the averments made in the application as well as the fact that the plaintiff has no objection to the prayers sought for



substitution, the application is hereby allowed and the applicants are substituted in place of the original defendants in terms of the prayer clause (A) of the captioned application.

4. The amended memo of parties annexed with this application is taken on record.

CS(OS) 173/2019

5. Mr. Anant Nigam, Advocate appears on behalf of the plaintiff and states that he has instructions to withdraw the present suit in view of the decree passed under Order XXIII Rule 3 CPC, in CS(OS) No.232/2023 earlier today. The plaintiff who is present in Court also confirms the said submission.

6. In view of the said aforesaid submission on behalf of the plaintiff the suit is dismissed as withdrawn.

7. Pending application stands disposed of. Interim order, if any, stands vacated.

8. All future dates stand cancelled.

9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 16, 2024/VLD

Click here to check corrigendum, if any