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

% ***Date of Decision: 06th November, 2024***

+ **CM(M) 2243/2024**

SH. SURINDER SINGH BEDI THR. LRSPetitioner

Through: **Mr. Sharad Amrohi, Advocate.**

versus

SH. SURJIT SINGH BEDI THR. LRS & ANR.Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 64835/2024 (early hearing)

1. The application has been moved on behalf of the petitioner seeking early hearing of the petition.
2. Keeping in mind the reasons assigned, the matter is taken up today itself.
3. The application stands disposed of.

CM(M) 2243/2024

1. Plaintiff Sh. Sardar Surinder Singh Bedi (since deceased) had filed a suit for partition way back in the year 1999. It was filed against six defendants and they all, except defendant Nos.1 and 2, are *ex-parte*.
2. During pendency of the aforesaid suit, the plaintiff expired and his legal representatives were brought on record. Such LR's moved an application under Order I Rule 10 read with Section 151 CPC seeking impleadment of one Sh. Jagmeet Singh and Sh. Subhash Grover as



defendants in the above said suit on the premise that defendant No.1 had sold his share to them. However, the learned Trial Court dismissed the above said application on the ground that it had been filed belatedly and that no efforts had been made by the plaintiff to make appropriate request regarding their impleadment at the earliest available opportunity.

3. Admittedly, the plaintiff had come to know about such alleged sale to the third party way back in the year 2000 as they had, even, filed an application seeking initiation of contempt against defendant Nos.1 and 3 to 6.

4. According to the contentions of the petitioner herein, though, the contempt proceedings were initiated but fact remains that these defendants never furnished requisite information and, therefore, they were in no position to move any such application seeking impleadment. It is submitted that it was only after the death of the plaintiff that his LRs made efforts and then they came across the copies of transfer documents somewhere in the month of April, 2022 and in such a situation, it cannot be said that conduct of the plaintiff was negligent or suggestive of any inaction.

5. This Court has gone through the application moved by the plaintiff under Order I Rule 10 read with Section 151 CPC and even in the aforesaid application, it has not been made clear as to from where they were able to get the photocopies of the alleged transfer documents which took place in the years 1993 and 1998 i.e. even prior to institution of suit.

6. Be that as it may, it is quite obvious from the facts placed on



record that the plaintiff was very much aware about the fact that the part of the suit property had been transferred to a third party and it was only in view of the above said knowledge that they had initiated contempt proceedings way back in the year 2001. In such a situation, it was expected that the plaintiff had moved appropriate application in this regard, then and there, instead of waiting for virtually two decades.

7. Merely because the plaintiff was an aged person and could not get the requisite information in time, would not, in itself, be a compelling ground to allow the application moved under Order I Rule 10 CPC, particularly, when the plaintiff, all along, knew that transfer had already taken place.

8. When asked, it was apprised that the case is already at the stage of final arguments and, therefore, also no purpose would be achieved by permitting the above said impleadment after around 25 years of the institution of the suit.

9. This Court, therefore, does not find any merit in the petition and does not find any reason, much less a compelling one, to invoke its supervisory powers under Articles 227 of the Constitution of India, particularly, when there is no jurisdictional error noticed in the impugned order.

10. The petition is, accordingly, dismissed.

11. The next date of 09.01.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

NOVEMBER 06, 2024/st