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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 61/2024**

VISHAL GAUTAM

..... Appellant

Through: Mr. Arvind Chaudhary, Mr. B. L.
Wall and Mr. Sachin Chaudhary,
Advocates

versus

MONA SHARMA

..... Respondent

Through: Mr. S. C. Singhal and Mr. Saideep
Kaushik, Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.05.2024

CM APPL. 26482/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

FAO(OS) 61/2024

1. Present appeal has been filed challenging the impugned interim order dated 13th March, 2024 passed by the learned Single Judge in I.A. 14445/2019 in CS(OS) 413/2019, whereby the application filed by the Appellant/plaintiff seeking impleadment of DDA as a party to the suit (i.e. defendant no. 2) was rejected.

2. Learned counsel for the Appellant states that the Ld. Single Judge grossly erred in rejecting the Appellant's application seeking impleadment of DDA as a party even though the Appellant had pleaded that the Conveyance Deed dated 29th February, 2018 executed by the DDA in favour of the Appellant's mother had been fraudulently executed at DDA's office.



3. He states that the impleadment application ought to have been allowed as the Appellant was questioning the transfer of the suit property by the DDA in favour of the Appellant' mother, which is vital for the proper and effective adjudication of the two suits.

4. He states that the Ld. Single Judge failed to appreciate that both the suits were directed to be consolidated (i.e. the suit bearing CS(OS) 413/2019 filed by the Appellant/Plaintiff, and the suit bearing CS(OS) 142/2019 filed by the Respondent/ Defendant No. 1) however subsequently, they have been segregated without any plausible reason.

5. Mr. S.C. Singhal, learned counsel for the Respondent states that the allegations against the officials of DDA are vague and general. In support of his contention, he relies upon the Order VI Rule 4 CPC.

6. Since the dispute which has been raised by the Appellant/plaintiff in respect of the documents executed by his mother in favour of the Respondent/defendant No. 1 has been incorporated by way of amendment, this Court is of the view that the DDA is a proper party to the dispute.

7. Accordingly, the present appeal is allowed and DDA is directed to be impleaded as Defendant No.2 in the underlying suit. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 22, 2024/rhc