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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 21st May, 2025***
+ **CM(M) 447/2025**

M/S KANHIYA LAL PRAKASH KUMARPetitioner

Through: Mr. Keshav Kumar Verma, Mr. Kunal Verma, Advs.

versus

M/S AJM HOUSING PVT. LTD.Respondent

Through: Mr. Gaurav M. Liberhan, Ms. Akriti Gupta, Mr. Sumant Vyas and Mr. Arun Singh Rawat, Advs.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM APPL. 31354-31355/2025

1. Petitioner seeks early hearing of his main petition, which is now fixed up for further consideration on 25.08.2025. Since the learned counsel for the respondent has also appeared, with the consent of both the sides, the main petition has been taken up today itself.
2. The above said applications stand disposed of accordingly.
3. The next date of 25.08.2025 stands cancelled.

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1. The facts lie a very narrow compass.
2. Respondent-AJM Housing Pvt. Ltd. has filed a suit seeking possession, mesne profits/damages and arrears of rent.
3. Such suit was resisted by the defendant (petitioner herein).



4. During the pendency of the above said suit, defendant moved an application under Order 1 Rule 10 CPC contending therein that the premises in question belonged to DDA and was a public land. It was also claimed that the plaintiff was not the owner of the premises in question and, therefore, without there being impleadment of DDA, the suit could not be decided in just and fair manner.

5. Such application has been dismissed by the learned Trial Court on 06.02.2025, and such order is under challenge.

6. The learned Trial Court took note of the fact that defendant had admitted his status in the suit property as that of a tenant and had even admitted to have paid rent to plaintiff for continuing with his business of cold storage for fruits since year 2007. The learned Trial Court was of the view that keeping in mind the averments appearing in pleadings, DDA could not be said to be a necessary party as no relief against DDA had been sought and it was also not a case where no effective Decree could be passed in absence of DDA. Thus, learned Trial Court, while being fully conscious of the stand taken by the defendant in its written statement, declined the above said request.

7. The sole important question in the above suit was to the effect whether there is a relationship of landlord and tenant between the parties or not. Since the defendant admits such relationship, there is, apparently, no requirement of impleadment. According to defendant, the property in question belongs to DDA land, since DDA has already been put to notice, it can always take recourse to appropriate legal remedy, if so advised but to permit impleadment of DDA in the ongoing suit was not required from any angle whatsoever.

8. To make things worse, same day, i.e., on 06.02.2025, the learned Trial Court, while considering an application moved under Order 12 Rule 6 CPC,



has even passed *decree of possession* and *partial money decree*. The aspect of mesne profit is, however, stated to be alive before the learned Trial Court.

9. Since the *decree of possession* has already been passed in favour of the plaintiff and against the defendant (petitioner herein), even otherwise, no useful purpose is going to be served by keeping this petition alive. Such decree has also been challenged by the petitioner by filing a *Regular First Appeal* in which, there is, already, stated to be a stay with respect to execution of possession, and, if so advised, the petitioner can always take plea of non-impleadment of DDA therein.

10. Resultantly, the present petition is dismissed.

11. Pending application stands disposed of.

(MANOJ JAIN)
JUDGE

MAY 21, 2025/ab/shs