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

% ***Date of Decision: 27th March, 2025***

+ CM(M) 919/2022 & CM APPL. 39318/2022
SH. DEVI DAYAL

.....Petitioner

Through: None.

versus

SMT. KALAWATI & ORS.

.....Respondent

Through: Mr. Nitin Arora. Adv for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner takes exception to order dated 06.04.2022 passed by learned Trial Court whereby his application moved under Order I Rule 10 CPC has been dismissed.
2. Applicant claims himself to be a subsequent and *bona fide* purchaser whereas according to plaintiff, there is no requirement of impleading him as a party as he does not seek any relief against him.
3. However, after hearing arguments for some time, learned counsel for plaintiffs (respondent No.1 and 2 herein) submits that, without prejudice to their rights and contentions, and in order to ensure that the suit reaches its logical end without any further delay, they would have no objection if the present petition is allowed and the petitioner herein is permitted to be



impleaded as defendant in their suit.

4. Taking stock of the pleadings and reason given by the petitioner and also keeping in mind the abovesaid concession given by the plaintiffs, who are *dominus litis* of their case, the present petition is disposed of by holding that the application moved by the petitioner under Order I Rule 10 CPC stands allowed and he is impleaded as defendant in the suit in question i.e. Suit No. CS 15050/2016.

5. Since plaintiff- Kalawati is stated to be 85 years of age, this Court expects that there would be requisite cooperation and assistance given to the Court by all concerned parties, including the petitioner herein so that the learned Trial Court is in a position to dispose of the abovesaid suit as expeditiously as possible.

6. Petition, along with all applications, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 27, 2025/sw/pb