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

% ***Date of Decision: 21st April, 2025***

+ CM(M) 3865/2024

SANJEEV KAPUR

.....Petitioner

Through: Mr. Saurabhy Sharma and Mr. Bijay
Kumar, Advocates

versus

M/S ASHISH TRAVELS & ANR.

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 19912/2025 & CM(M) 3865/2024

1. Petitioner seeks early hearing of the matter.
2. However, since the point involved is very short, the main petition, as such, has been taken up for consideration.
3. M/s Ashish Travels (respondent no. 1 herein) filed a suit seeking recovery of Rs. 1,53,309/-.
4. Suit was, initially, filed against Central Public Works Department (*in short* 'CPWD') and as per the avements made in the suit, a work order had been placed upon plaintiff by CPWD for providing vehicles on contractual basis. As per such work order issued on 29.09.2010, the services were diligently rendered. Work order, as per the plaintiff, was extended verbally and, therefore, plaintiff continued to provide such.
5. According to plaintiff, suddenly, Mr. Sanjeev Kapoor, Senior Architect, CPWD (petitioner herein) stopped services of the plaintiff, alleging that the work-order had not been issued/ extended by the concerned



competent authority.

6. Dispute in the aforesaid suit is with respect to such services only.
7. Such suit is being resisted by CPWD.
8. During the pendency of the aforesaid suit, an application under Order I Rule 10 CPC was moved by the plaintiff seeking impleadment of said Mr. Sanjeev Kapoor. It is submitted that services in question was abruptly stopped by Mr. Sanjeev Kapoor in terms of letter dated 17.07.2012. According to plaintiff, such services were even acknowledged by Mr. Sanjeev Kapoor and even the bills were verified by him and, therefore, he is also a necessary party.
9. Learned Trial Court, while considering the aforesaid application, came to the opinion that the reference of Mr. Sanjeev Kapoor was already in the suit as such. Admittedly, Mr. Sanjeev Kapoor is not a stranger or third party. He is rather an employee of CPWD and he is the one who had availed said services rendered by the plaintiff. According to plaintiff, when the suit was filed, though, there was specific reference about the role of Mr. Sanjeev Kapoor but he was not impleaded as one of the defendants.
10. It was in the aforesaid backdrop that the plaintiff had moved application seeking his impleadment as one of the defendants.
11. Learned counsel for petitioner submits that suit is barred by limitation and the relief sought by the plaintiff is based on a bill which has already become stale and time-barred.
12. However, at the moment, the Court is, merely, required to see whether Mr. Sanjeev Kapoor can be said to be a necessary or proper party or not. While filing his written statement, petitioner herein can always, *inter alia*, take legal objection with respect to the fact that the suit, even at the time of



institution, was barred by law. The petitioner can, if so advised, file an application seeking rejection of the suit on the aforesaid ground but keeping in mind the specific averments appearing in the plaint, it cannot be said that Mr. Sanjeev Kapoor was not a necessary or for that matter a proper party.

13. In view of the above, this Court does not find any infirmity or impropriety in the impugned order, necessitating any interference under Article 227 of the Constitution of India.

14. Petition is accordingly dismissed.

15. However, all the rights and contentions of the petitioner, including with respect to the objection that the suit is barred by limitation, are left open. It is also clarified that observations made hereinabove are tentative in nature and petitioner would be at liberty to take all the pleas as are permissible and available to him under law.

16. Next date of hearing i.e. 08.05.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

APRIL 21, 2025/dr/js