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

\# **CNR No. DLHC010476742026**

\+ CM(M) 2190/2026 & CM APPL. 68555/2026

PARVEEN KUMAR .....Petitioner

Through: Mr. Kshtiz Mahipal, Mr. Devvrat Sharma, Mr. Vikram Pratap Singh, Mr. Khairun Nisa, Mr. Parvesh Kaushik and Mr. Sunil Dutt Vats, Advocates

versus

SUNIL & ORS. .....Respondents

Through: Ms. Deepika, Advocate (Through VC)

**CORAM:**
**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**O R D E R**

**% 01.10.2026**

**CM APPL. 68556/2026 *(Exemption)***

1. Exemption allowed, subject to just exceptions.

2. The application stands disposed of.

**CM(M) 2190/2026**

3. By way of the present petition, the petitioner seeks setting aside of the order dated 21.09.2026 passed by learned Civil Judge -04, Central, Tis Hazari Courts, Delhi, in CS (SCJ) No. 2834/2022, titled *"Sunil & Ors. v. GNCT & Ors."* whereby the learned Trial Court dismissed the application of the petitioner under Order I Rule 10 of the Code of Civil Procedure, 1908

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("CPC") seeking to implead himself as a defendant in the underlying suit.

4. The learned counsel appearing on behalf of petitioner has drawn the attention of this Court to the order dated 23.07.2026, passed by this Court in W.P.(C) 6426/2026, titled *"Parveen Kumar v. Govt. of NCT of Delhi and Ors."*, whereby Ms. Deepika, the learned counsel appearing for respondent no. 5 therein/respondent no. 1 herein, made a categorical submission before this Court to the effect that respondent no. 1 has no objection if the petitioner herein is impleaded as a defendant in the underlying suit and would not oppose the application moved by the petitioner under Order I Rule 10 of the CPC. The relevant submissions of respondent no. 1 recorded in paragraphs 5 and 6 of the aforesaid order are extracted hereinbelow:

> "5. In this backdrop, counsel for the Petitioner submits that although Respondent No. 5 has instituted the aforesaid civil suit seeking implementation of a demarcation report, the Petitioner was not initially impleaded as a party thereto, notwithstanding the fact that the outcome of the proceedings would directly affect his rights and interests. It is submitted that upon acquiring knowledge of the suit, the Petitioner moved an application under Order I Rule 10 of the Code of Civil Procedure, 1908 seeking impleadment, which remains pending consideration before the Trial Court.
>
> 6. On the aforesaid aspect, Ms. Deepika, counsel appearing for Respondent No. 5, submits on instructions that Respondent No. 5 has no objection to the Petitioner being impleaded as a defendant in the civil suit and shall not oppose the Petitioner s application under Order I Rule 10 CPC. The said statement is taken on record."

5. Today, Ms. Deepika, the learned counsel appearing on behalf of the respondents, on instructions, submits that the respondents are not opposed to the petitioner being impleaded as a defendant in the underlying suit. The statement coming on instructions, is hereby taken as an undertaking.

6. Ms. Deepika further submits that the respondents did not even file a reply to the application filed by the petitioner under Order I Rule 10 of the

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CPC.

7. From a bare perusal of the impugned order, this Court does not find any averment of the learned counsel for the respondents to the effect that the respondents are not opposed to the impleadment of the petitioner in the underlying suit.

8. Nevertheless, in light of the submissions made by the parties today, this Court finds it appropriate to set aside the impugned order dated 21.09.2026 with a direction to the learned Trial Court, to adjudicate the application of the petitioner under Order I Rule 10 of the CPC afresh, in view of the statements made by the learned counsel for the respondents today as well as on 23.07.2026 in W.P.(C) 6426/2026.

9. In view thereof, the impugned order dated 21.09.2026 is set aside and the matter is remanded back to the learned Trial Court to decide the subject impleadment application afresh within a period of four weeks from today, in the aforesaid terms.

10. Accordingly, the present petition along with pending application, if any, stands disposed of.

**AJAY DIGPAUL, J**

**OCTOBER 1, 2026**
**gs/as**

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