



2025:DHC:5531



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

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Date of Decision: 08.07.2025

+ **CM(M) 1171/2025 & CM APPL. 39435/2025**

SANGEETA DEVI AND ANOTHERPetitioners

Through: Mr. Pankaj Gupta and Ms. Priyanka
S. Aneja, Advocates

versus

SARITA AND OTHERSRespondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl.39434/2025/Exemption from filing certified/legible typed copies/

1. Allowed, subject to the Petitioners filing certified/legible typed copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

CM(M) 1171/2025 & CM APPL. 39435/2025/Stay/

3. The present Petition has been filed under Article 227 of the Constitution of India impugning the order dated 24.01.2025 passed by the learned Presiding Officer, MACT East District, Karkardooma Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] has been dismissed.
4. Briefly the facts are that the Petitioners/Applicants are the unmarried sisters of the deceased and they had filed an Application for being impleaded as parties to the proceedings pending before the Tribunal. The



learned Tribunal had directed that the wife, mother and son of the deceased, are already Claimants before the learned Trial Court and that the sisters of the deceased do not qualify as Legal Representatives of the deceased.

5. A review of the Application filed by the Petitioner shows that the only ground that is set out in the Application is that the Applicants are the unmarried sisters and they must be impleaded as a necessary party. It is apposite to extract paragraphs 2 and 3 of the Application which is set out below:

*2. That the present case is pending before the Hon'ble Court for adjudication and listed for hearing on 27.09.2022. **It is submitted that Applicants herein are being necessary and affected parties as they are unmarried sisters of deceased** Mr. Arvind Kumar. Therefore, this Hon'ble Court may kindly be pleased to implead the applicants as a necessary party and being a part of present case.*

*3. That the applicants **may be made a party to the present MACT case as Petitioner No. 4 and 5 is being younger Sisters of the deceased.** Their names are Ms. Sangeeta Devi and Ms. Geeta.”*

[Emphasis supplied]

6. Learned Counsel for the Petitioners submits that the unmarried sisters of the deceased were dependant on the deceased for their survival. He however, admits that this averment does not form part of the Application.

7. Sub section (2) of the Order 1 Rule 10 CPC provides for addition of parties at any stage where in a proceeding with a view to effectually and completely adjudicate all questions involved in such proceedings. The Application as filed by the Petitioners, does not set out any averments as to why the presence of the Petitioners is necessary in these proceedings.

8. Thus, concededly, there is no infirmity with the Impugned Order, given the fact that the Petitioners have not been able to set out as to why



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they should be impleaded as a necessary party.

9. Learned Counsel for the Petitioner, at this stage, states that he may be permitted to withdraw the present Petition with liberty to file an appropriate Application before the Trial Court for impleading the Petitioners.

10. The Petition is accordingly disposed of with liberty to the Petitioner to file a fresh Application for impleadment of the Petitioners in accordance with law.

10.1 All pending Applications stand closed.

11. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 8, 2025/r

[Click here to check corrigendum, if any](#)