



\$~87

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

% ***Date of Decision: 08<sup>th</sup> August, 2025***

+ CM(M) 1472/2025 & CM APPL. 48581/2025 & CM APPL.  
48582/2025

SMT RUPALEE SURI .....Petitioner

Through: Mr. Yogesh Goel and Mr. Aryan  
Singh, Advocates along with  
petitioner-in-person

versus

SMT KAMAL SURI & ORS. ....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner is aggrieved by order dated 02.06.2025 whereby her application for impleadment has been dismissed.
2. A suit for partition has been filed by plaintiff in which Sh. Pradeep Suri is also one of the defendants.
3. Aforesaid application seeking impleadment has been filed by the wife of Sh. Pradeep Suri. She claims that she has a *right to residence* in the *shared household* in question i.e. house situated at Ashok Vihar, Delhi-110052.
4. There is matrimonial discord between the parties and on account of such matrimonial discord, petitioner herein has already filed a complaint under Section 12 *Protection Of Women From Domestic Violence Act, 2005*. Admittedly, such complaint is though pending adjudication, the learned Magisterial Court has already passed residence order in favour of the



petitioner herein and has restrained plaintiff and defendant no. 1 as well from dispossessing her from the subject property and not to disturb and interfere with her settled possession.

5. The petitioner, however, claims that she is a proper and necessary party in the ongoing partition suit as well.

6. This Court has gone through the impugned order and no illegality or perversity is found therein.

7. Petitioner herein, being wife of defendant no. 1, does not seem to be a proper or necessary party in the ongoing suit which merely seeks partition.

8. Moreover, even if her apprehension that the suit in question is collusive in nature is found having some force, learned Trial Court has categorically observed that her rights and the protection order given by the Magisterial Court would not be affected even if there is a decree in the present suit.

9. Moreover, in case, after suit is disposed of and there is a decree and there is an attempt to dispossess her, despite there being aforesaid protection order in her favour, it will be entirely upto her to move appropriate application in any such Execution Petition as well.

10. Viewed thus, this Court does not find any reason to interfere with the impugned order dated 02.06.2025. Petition is, accordingly, dismissed.

11. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**AUGUST 8, 2025/dr/shs**