



2025:DHC:6785



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 11<sup>th</sup> August, 2025***+ CM(M) 1490/2025 & CM APPL. 49142/2025 & CM APPL.  
49143/2025

HARMAN PREET SINGH

.....Petitioner

Through: Mr. Amarjeet Singh Sahni, Ms.  
Vanshita Bhuranda, Ms. Muskan  
Singh and Ms. Simran Panwar,  
Advocates.

versus

INDERJEET KAUR &amp; ANR.

.....Respondent

Through: Mr. Puneet Dhawan, Advocate for  
R-1.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is aggrieved by order dated 11.07.2025 whereby his request for impleadment has been declined by learned Civil Judge.
2. The facts of the present case lie in a very narrow compass.
3. For the sake of convenience, the parties would be referred to as per their nomenclature in the suit in question.
4. The Plaintiff- Ms. Inderjeet Kaur filed a suit for possession, arrears of rent, injunction and *mesne profits* against defendant-Ms. Pinkee Singha.
5. The plaintiff claims herself to be the lawful and exclusive owner of the suit property which is situated in Old Mahaveer Nagar, Tilak Nagar and she traces her ownership through a registered gift deed.



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6. The suit is being resisted by the concerned defendant who has already been permitted to participate in the suit as her application moved under Order IX Rule 7 CPC has been allowed.

7. It was at the abovesaid stage of the case that the petitioner herein i.e. Mr. Harman Preet Singh filed an application that he be impleaded as defendant in the ongoing suit.

8. According to him, the suit in question has been filed by the plaintiff in collusion with her son and they have suppressed material facts. According to him, the son of the plaintiff had business relation with the applicant and in terms of such business dealings, substantial amount had been transferred by the applicant to the son of the plaintiff and consequent thereto, a mortgage deed was executed by son of the plaintiff in his favour on 06.05.2022 and title-documents of the suit property in original were also handed over to him.

9. According to him, therefore, the right, if any, to eject anyone now vests with the applicant and, therefore, the applicant is a necessary party and should have been impleaded in the abovesaid suit.

10. Needless to say, plaintiff is *dominus litis* and any such applicant can be permitted to be impleaded as a party only if such person is found to be either proper or a necessary one in context of the issues raised in the suit.

11. The plaintiff in the present case is, merely, seeking decree of possession from his tenant and if according to the applicant, on account of some business dealings, which he had with the son of the plaintiff, he has got the possession of the title deed and there is a mortgage deed also in his favour, the appropriate remedy for him would be rather to file a separate suit in substantive capacity, instead of seeking his impleadment in the ongoing suit.

12. The learned Trial Court has given cogent reasons while dismissing the



application and reference in this regard be made to para 11 to para 14 of the impugned order which read as under:-

*“11. It is true that plaintiff is dominus litis but an exception to this general rule has been carved out under Order 1 Rule 10 (2) CPC by way of which a Court can implead a proper or necessary party to the suit. Now, looking into the facts and circumstances of the case, the applicant cannot be said to be a “necessary party” as an effective decree can very well be passed in his absence since the title and ownership of the plaintiff is not a point in issue in the present case till date. Therefore, we must now analyse whether the applicant can be said to be a “proper party” to the present suit. For this purpose, the subject matter of the present suit must be looked into. It must be adjudicated as to whether the presence of the applicant is indispensable while disposing of the issues in the present suit. It does not appear so.*

*12. The applicant is stated to have grievance with the son of the plaintiff and not the plaintiff herself. Nothing bars the applicant from instituting a separate suit against the son of the plaintiff for the purpose of proving his title and ownership over the suit property. It cannot be said that prevention of multiplicity of litigation is the main object while considering an application under Order 1 Rule 10 CPC but it may be a desirable consequence of the same. Reliance is placed on **Ramesh Hira Chand Kundanmal Vs. Municipal Corporation of Greater Bombay and Ors. (1992) 2 SCC 524**. Therefore, simply to avoid filing of a different suit by the applicant, the present application cannot be allowed. If the applicant is made a defendant in the present suit, the son of the plaintiff must also be arrayed as a party (preferably as a plaintiff) in the present suit, which is against the wishes of the plaintiff who is the master of her own case. The plaintiff cannot be coerced, by way of the present application, to fight a case completely different from the case instituted by her in the first place. Any omissions made by the plaintiff shall be to her own detriment.*

*13. One of the arguments raised by Ld. Counsel for applicant is that the original sale deeds pertaining to the suit property are in his possession. No reasons have been mentioned by the plaintiff in her plaint as to why the originals of the sale deeds have not been placed on record but a certified copy of the same has been relied upon by her in the present plaint. Now, during arguments, Ld. Counsel for plaintiff stated that it appeared that the applicant had obtained the original sale deeds by some improper means and that the plaintiff reserves their right to initiate separate legal proceedings in this regard against the applicant. The documents relied upon by the applicant in the present application*



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*are unregistered mortgage deed, loan agreement and rent agreement dated 05.12.2022 and an unregistered mortgage deed cannot trump the registered gift deed relied upon by the plaintiff as a document of title pertaining to the suit property. It must be noted that the applicant has raised some credible issue by showing that the original sale deeds are in his possession, however, same can be effectively dealt with only by way of separate legal proceedings.*

*14. Therefore, in view of the above discussion, this Court is of the opinion that the applicant is neither a “necessary party” nor a “proper party” to the present suit. Accordingly, present application stands dismissed and disposed of.”*

13. This Court does not find any infirmity in the observations appearing the in impugned order and even if the contention of the applicant is believed and it is assumed that he has the original title deeds, the same would not *ipso facto* mean that the applicant should be impleaded as defendant in the ongoing suit.

14. The present petition is, therefore, dismissed.

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

**(MANOJ JAIN)  
JUDGE**

**AUGUST 11, 2025/ss/shs**