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

% ***Date of Decision: 20th August, 2025***

+ CM(M) 1562/2025 & CM APPL. 51347/2025

RAJENDER KUMAR AHUJAPetitioner

Through: Mr. Shekhar Nanavaty, Advocate

versus

JAWAHAR LALRespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and has filed a suit for partition and injunction.
2. Aforesaid suit is directed against the solitary defendant i.e. Mr. Jawahar Lal, who happens to be the real brother of the plaintiff.
3. When the aforesaid suit was taken up by the learned Trial Court on 22.07.2025, it took note of the fact that there were two other co-owners of the property sought to be partitioned.
4. These were Mr. Subhash Chander and Ms. Usha Rani, stated to be siblings of plaintiff.
5. Plaintiff had not impleaded them for the reason that they both had relinquished their respective shares in favour of the plaintiff *vide* registered relinquishment deed dated 29.03.2007.
6. Fact, however, remains that defendant claimed before the learned Trial Court that such relinquishment deed was forged and fabricated document and the plaintiff had not deliberately made them party in the present suit. It was



in the aforesaid backdrop that the learned Trial Court seems to have invoked its *suo moto* power and, while holding that they are necessary parties without whose presence the preliminary decree can not be passed, directed to implead them as defendant no. 2 and defendant no. 3 in the ongoing suit and, accordingly, plaintiff has been directed to file amended memo of parties and to take steps to summon them.

7. As already noticed above, the suit in question is a partition suit and these impleaded defendants were also, initially, co-owners of the property in question.

8. Admittedly, according to plaintiff, there is a registered relinquishment deed by both of them but since it's a suit for partition, in order to obviate any complexity arising in future, the learned Trial Court has invoked its *suo moto* power and has chosen to implead them as defendants.

9. The fact whether relinquishment deed is disputed or genuine would become amply clear when response is, eventually, filed by these newly impleaded defendants. The impugned order whereby the learned Trial Court has directed to implead them, does not, thus, call for any interference, particularly when suit is at initial stage only.

10. Finding no illegality and impropriety in the impugned order, the present petition is hereby dismissed.

11. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 20, 2025/dr/js