

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4508 OF 2024
(ARISING FROM SLP(C) NO.22710/2018)

NOPANY CHARITABLE TRUST

APPELLANT(S)

VERSUS

KANWAR JEOTENDRA SINGH (DECEASED)
THROUGH LRS. & ANR.

RESPONDENT(S)

O R D E R

1. Application for substitution is allowed after condoning the delay and setting aside the abatement.
2. Leave granted.
3. In a suit for possession, the plaintiff wanted to implead the assignees of the defendants as according to the plaintiffs, the defendants had already handed over possession to their assignees. The said impleadment application has been rejected by the Trial Court and affirmed by the High Court, apparently, for the reason that the application was moved under Order XXII Rule 10 of the Code of Civil Procedure, which provided for assignees being impleaded provided such assignment had been made during the pendency of the suit. However, the provision under Order I, Rule 10 CPC under which a party left out, which is necessary for being impleaded

has not been considered. In our opinion, a wrong mention of a Section would not prove fatal for the application for impleadment of a necessary party.

4. In view of the above, we allow this appeal, set aside the impugned order and allow the impleadment application. Trial to proceed accordingly in accordance to law.

5. All rights and contentions available to parties are left open.

....., J.
(VIKRAM NATH)

....., J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
MARCH 22, 2024.

ITEM NO.51

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 22710/2018

(Arising out of impugned final judgment and order dated 07-05-2018 in CMPMO No. 64/2017 passed by the High Court Of Himachal Pradesh At Shimla)

NOPANY CHARITABLE TRUST

Petitioner(s)

VERSUS

KANWAR JEOTENDRA SINGH (DECEASED)
THROUGH LRS. & ANR.

Respondent(s)

(IA NOS.24676, 54488 AND 54492/2024- APPLICATIONS FOR SUBSTITUTION, SETTING ASIDE ABATEMENT AND CONDONATION OF DELAY IN FILING SETTING ASIDE ABATEMENT)

Date : 22-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Ms. Malvika Trivedi, Sr. Adv.
Ms. Sonia Dube, Adv.
Mr. Shatadru Chakraborty, Adv.
Ms. Kanchan Yadav, Adv.
Ms. Surbhi Anand, Adv.
Mr. Tanishq Sharma, Adv.
Ms. Saumya Sharma, Adv.
Mr. Shailendra Slaria, Adv.
M/S. Legal Options, AOR

For Respondent(s) Mr. Rajesh Gupta, Adv.
Mr. Harpreet Singh, Adv.
Mr. Puneet Taneja, AOR
Mr. Utsav Kumar Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for substitution is allowed after
condoning the delay and setting aside the abatement.

Leave granted.

The appeal is allowed in terms of the signed

order.

Pending application(s), if any, shall stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)