

132 (2006) Delhi Law Times 445 (DB)

Delhi High Court

*Dr. Mukundakam Sharma & Hima Kohli, JJ.*

REGAL APARTMENTS P. LTD.—Appellant

*versus*

LILAWATI GUPTA DECD. THR. LRs'—Respondents

*RFA (OS) 51 of 2006—Decided on 17.8.2006*

Limitation Act, 1963 — Section 14(1) r/w Section 151, CPC — Civil Procedure Code, 1908 — Order 1 Rule 10 — Impleadment of Party — Suit for mandatory injunction, specific performance of agreement, damages and declaration filed by appellant — Barred by limitation — Suit dismissed by Single Judge — Suit in question in which appellant seeking impleadment filed by one R against respondent-deceased for specific performance of agreement of sale — Claim of appellant that it is necessary and proper party in suit proceedings and its presence necessary for effective and complete adjudication of dispute, it based on lease deed — Said lease has come to end and no right subsisted in favour of appellant insofar as property in question is concerned — Appellant is complete stranger to agreement between R and respondent-deceased — Except for filing application for impleadment in year 2000, appellant did not pursue any substantive remedy diligently in respect of enforcing its rights with respect to lease deed dated 1.9.93 — Substantive suit filed by appellant dismissed in 1995 — Even becoming aware of MOU dated 8.4.94, executed by respondents 1 and 2 in favour of respondent No. 4 and pending litigation, appellant remained silent spectator till 2000 — He did not institute any independent proceedings for agitating his rights — Appellant cannot be permitted to seek enforcement of agreement dated 1.9.1993 at belated stage as limitation for seeking legal recourse available to appellant expired.

[\[Paras 5 to 7\]](#)

*Result : Appeal dismissed.*

**Counsel for the Parties:**

For the Appellant : *Mr. R.M. Sinha, Advocate.*

For the Respondents : *None.*