



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2134 OF 2022

Mr. Vikas Satiza
(Substituted in place of Smt. Shanti Devi)

.....COMPLAINANT

Versus

M/s Jindal Realty Limited

.....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Hearing: 5th

Date of Hearing: 31.10.2023

Present: - Mr. Chaitanya Singhal, Id counsel for the complainant through VC.
Mr. Drupad Sangwan, Id counsel for the respondent.

ORDER (NADIM AKHTAR- MEMBER)

1. Id counsel for the complainant stated that he had filed a rejoinder as well as application dated 19.01.2023, for the amendment of Memo of Parties, whereby complainant's name has been changed from Smt. Shanti Devi to Mr. Vikas Satiza. He further stated that initially, unit was booked by Smt. Shanti Devi

and later on, she transferred the unit to her son Mr. Vikas Satiza. Therefore, all the rights have been accrued in favour of Mr. Vikas Satiza. Hence, the application for amendment of parties be allowed.

2. Per contra, ld counsel for respondent stated this defect of amendment of parties is not curable as earlier complaint was filed by Smt. Shanti Devi and now rejoinder is filed by Mr. Vikas Satiza. Furthermore, counsel referred to page no.140 of the complaint file, wherein, affidavit is filed by Smt. Shanti Devi and affidavit of amendment application dated 19.01.2023 not signed by anyone. Therefore, to conclude, Ld. counsel for respondent stated that this defect of substitution of parties cannot be cured by mere filing of application.
3. After hearing both the parties, Authority observes that defect of misjoinder of parties can be cured by allowing application of amendment of parties. However, as per settled principles of civil procedure such amendment should be allowed early at any stage before trial. Nevertheless, Authority is of view that proceedings before the Authority are summary proceedings conducted by following the principles of natural justice. Therefore, technical objection which can be cured during hearing proceedings should not be made ground for outrightly dismissing the complaint. Since, there is no substantive change in the pleadings or the relief claim, Authority allows "Amendment of parties" application dated 19.01.2023 and substitute name of complainant from Smt. Shanti Devi to Mr. Vikas Satiza. Rejoinder filed by Mr. Vikas Satiza is also taken on record.



4. Further, case was heard and reserved for order, however, while dictating the order, it is observed by the Authority that Builder Buyer Agreement (BBA) attached with complaint is only contain alternate pages of the BBA because of which the possession clause as mentioned in the complaint cannot be referred to due to which deemed date cannot be ascertained. Therefore, Authority directs the complainant to place on record the exact builder buyer agreement, which was executed between the parties.
5. It is further observed that respondent has only filed a short reply w.r.t maintainability of plaint due to misjoinder of parties. Since, the application for substitution is allowed, respondent is also granted last opportunity to file reply to the complaint and rejoinder filed by complainant Mr. Viks Satiza. All the documents as directed to be filed by the complainant and respondent in the registry well before the next date of hearing with an advance copy be supplied to each side.
6. Case is adjourned to 22.08.2024.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]