
(1996) 01 MP CK 0044
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1163 of 1995

Baburam and Others

APPELLANT

Vs

Mahila Sudharani and Others

RESPONDENT

Date of Decision : 11-01-1996

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10

Citation : (1997) 1 MPLJ 313

Hon'ble Judges : Tejinder Singh Doabia, J

Bench : Single Bench

Advocate : K.B. Chaturvedi, R.K. Shrivastava, for the Appellant; Lokendra Gupta, for respondent Nos. 8 to 10, for the Respondent

Final Decision : Dismissed

Judgement

T.S. Doabia, J.

Shri R. K. Shrivastava, Advocate for the petitioners.

Shri Lokendra Gupta, Advocate for the respondents Nos. 8 to 10.

Shri K. B. Chaturvedi, Advocate for the State.

Heard counsel.

The brief facts which have led to the filing of this petition under Article 227 of the Constitution of India be noticed.

A suit was filed by one Kamal Singh. He died during the pendency of the litigation. His legal heirs were brought on the record. During the pendency of the trial, an application was preferred under Order 1, Rule 10 of the Code of Civil Procedure, 1908, by the present respondents Nos. 8 to 10, Ramprakash, Dhaniram and Ashok Kumar. It was pleaded that on 5th of March, 1991, a part of the land measuring 45" x 21" stood alienated in their favour. The sale was said to have been made by Kamal Singh. On the basis of this plea, these persons

wanted to come on record. This application was rejected by the trial Court. A revision was preferred. This has been allowed. It is against the revisional order, the present petition has been preferred.

The present petitioners, Baburam, Ramesh and Dangalsingh appeared as defendants in the suit. It is these defendants who are challenging the order passed by the Court below by which the aforementioned persons Ramprakash, Dhaniram and Ashok Kumar have been arrayed as defendants.

I am of the view that the order passed by the Court of revision calls for no interference. The assertion that the persons who have been allowed to be arrayed as defendants was that they had purchased the property from Kamal Singh. Had there been any valid objection, this could have been pleaded by the plaintiffs. The plaintiffs have not objected to bringing on record of these persons. The law is that the plaintiff who is dominus litis and if the plaintiff does not object, the defendants would not be within their rights to contend that if some other persons be not allowed to be brought on the record. Apart from this, the persons who wanted to come on record as defendants have acquired some right from Kamal Singh. They are necessary parties. Even if they are not necessary parties, they would be permitted as proper parties.

There is no merit in this petition and the same is dismissed with no order as to costs.