
(2018) 08 CHH CK 0019
In the Chhattisgarh High Court
Case No : Writ Petition No. 227 No. 555 of 2018

Nathai	Vs	APPELLANT
Laupati Singh		RESPONDENT

Date of Decision : 06-08-2018

Acts Referred:

Civil Procedure Code, 1908 — Order 1 Rule 10
Constitution of India, 1950 — Article 227

Citation : (2018) 08 CHH CK 0019

Hon'ble Judges : GOUTAM BHADURI, J

Bench : Single Bench

Advocate : Surfraj Khan, Astha Shukla

Final Decision : Dismissed

Judgement

1. Heard.
2. The present petition is against the order dated 05.04.2018, whereby an application filed under Order 1 Rule 10 CPC was allowed, whereby one Thakur Dayal was made a party.
3. Learned counsel for the petitioners submits that after the trial was begun, the said application has filed, which has resulted into complete reopening of the case that one Thakur Dayal is claimed to be the legal heir of Vipati Bai from whom the plaintiff had purchased the property, therefore, his presence before the Court would not be necessary.
4. I have heard learned counsel for the petitioners and perused the record and documents connected with the petition. Perusal of the order dated 05.04.2018 would show that the Court has allowed the application filed under Order 1 Rule 10 CPC by observing that the newly added party is

claiming right through the Vipati Bai from whom the property was purchased. The Court further observed that in order to avoid the multiplicity of the proceedings, the application was allowed. This petition is filed not by the plaintiff but by the defendant. Since it appears that the plaintiff has not objected to such making of party, therefore, at this stage, after going through the record which shows that the Court prima facie observed that the addition of the party will avoid the multiplicity of the proceedings, no separate finding can be arrived at. Consequently, when the plaintiff has not objected to such making of the party, in the opinion of this Court it is not a matter where the interference is required in exercise of powers under Article 227 of the Constitution of India.

5. In view of the above, the writ petition stands dismissed. However, the trial Court is requested to expedite the trial.