

(2018) 09 CHH CK 0298
In the Chhattisgarh High Court
Case No : W.P. (227) No. 754 Of 2018

Rajneet Verma

APPELLANT

Vs

Rajesh Goyal

RESPONDENT

Date of Decision : 18-09-2018

Acts Referred:

Code Of Civil Procedure 1908 — Order 1 Rule 10

Citation : (2018) 09 CHH CK 0298

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Manoj Paranjpe

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. Learned counsel for the petitioner submits that petitioner / plaintiff's application under Order 1 Rule 10 of CPC has been rejected by the trial Court

by the impugned order dated 07.08.2018 only on the ground of delay and the case is fixed for evidence.

2. I have heard learned counsel for the petitioner.

3. The petitioner's application under Order 1 Rule 10 of CPC ought to have been decided on merits by the trial Court whether the proposed defendant

is a proper and necessary party for just and proper disposal of the suit. If it is a necessary party, it will avoid the multiplicity of the suit. Therefore, the

impugned order is set aside subject to payment of cost of Rs. 5,000/- to the defendant No. 1 payable on the next date of hearing. The trial Court is

directed to decide the plaintiff's application under Order 1 Rule 10 of CPC afresh on its merits within a period of 10 days from the date of production

of copy of this order. However, the defendant would be at liberty to move an application for modification of the order, if he is aggrieved.

4. With the aforesaid observations, the writ petition stands finally disposed of. No order as to cost(s).