
(2021) 11 UK CK 0042
In the Uttarakhand High Court
Case No : Writ Petition (M/S) 2358 Of 2021

Rohtash Kumar

APPELLANT

Vs

Ram Chaitnya And Another

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Code Of Civil Procedure, 1908 — Order 1 Rule 10

Citation : (2021) 11 UK CK 0042

Hon'ble Judges : S.K. Mishra, J

Bench : Single Bench

Advocate : Narendra Bali

Final Decision : Dismissed

Judgement

S.K. Mishra, J

1. Heard Mr. Narendra Bali, learned counsel for the petitioner.
2. In this writ petition, the petitioner has challenged the order passed by learned 1st Additional District Judge, Haridwar in Civil Revision No. 24 of 2020 as well as the order passed by learned Civil Judge (J.D.) in O.S. No. 144 of 2015 allowing an application of the opposite party to add as defendant to the suit. The said proposed defendant is claiming a right over the suit property by virtue of a Will.
3. Learned counsel for the petitioner submits that the Will does not relate to the suit property but that matter cannot be decided at the stage of deciding an application under Order 1 Rule 10 of the Civil Procedure Code, 1908. Once a party claims that he has interest over a property which is the subject matter of the suit, then he is a necessary party.
4. We do not find any reason to interfere with the order passed by the learned courts below. Hence, the writ application is dismissed being devoid of merit.
5. There shall be no order as to the costs.

6. Urgent certified copy of this order be granted on proper application.