
(2012) 04 JH CK 0123
In the Jharkhand High Court
Case No : W. P. (C) No. 5405 of 2011

State of Jharkhand

APPELLANT

Vs

Ratna Mukherjee and others

RESPONDENT

Date of Decision : 04-04-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10, 80

Citation : (2012) 04 JH CK 0123

Hon'ble Judges : Poonam Srivastava, J

Bench : Single Bench

Advocate : M.S. Akhtar, S.C. Mines, for the Appellant; Manjul Prasad and Ashish Verma, for the Respondent

Final Decision : Dismissed

Judgement

Poonam Srivastav, J.—Heard learned counsel on behalf of the State of Jharkhand and also on behalf of the respondent Mr. Manjul Prasad assisted by Mr. Ashish Verma, advocate. Order impugned is dated 15.2.2011 (Annexure 3) passed by Subordinate Judge - II, Deoghar in Title Suit No. 97 of 2005. The application was preferred on behalf of the State of Jharkhand through Deputy Commissioner, Deoghar for adding him as a party to the suit. The suit was instituted by the contesting respondents, Ratna Mukherjee Vs. The Circle Officer of Mohanpur, Deoghar, State of Jharkhand.

2. In fact, the suit is pending since the year 2005, but the application to be added as a party under Order I Rule 10 of the CPC was made only on 2nd of February 2011 i.e., after six years. The Circle Officer, State of Jharkhand is arrayed as the defendant but he did not file any written statement. The arguments are almost completed and at the fag end of the proceeding, the instant application was made. Submission is that the court below should have allowed the Deputy Commissioner to be added as a party since the land in question vested in the State. It goes without saying that the Circle Officer is defendant in the suit, and therefore, by adding different authorities as a party is

not necessary. The State of Jharkhand through C.O. is party. I have perused the impugned order and I do not find any illegality. The court below has yet to decide the case on merits, the therefore, any contention raised on behalf of the petitioner on merits is not accepted. So far the submission that notice u/s 80 of the CPC before institution of the suit was not served, these questions are not required to be gone into in the instant writ petition. It is for the court below to decide all the objection raised at the time of final argument of the case.

3. I do not find any merit in the writ petition, accordingly dismissed. The court below is directed to decide the suit as expeditiously as possible without granting undue adjournments.