

(2025) 07 JH CK 1224
In the Jharkhand High Court
Case No : C.M.P. No. 62 Of 2024

Tej Brat Sinha

APPELLANT

Vs

Dy. Commissioner, Dhanbad

RESPONDENT

Date of Decision : 08-07-2025

Acts Referred:

Constitution of India, 1950 — Article 227
Code of Civil Procedure, 1908 — Order 1 Rule 10(2)

Citation : (2025) 07 JH CK 1224

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Suraj Singh, Mihir Kunal Ekka

Final Decision : Dismissed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Suraj Singh, the learned counsel appearing on behalf of the petitioner and Mr. Mihir Kunal Ekka, the learned counsel appearing on behalf of the Opposite party nos.1 and 2 (State).
2. This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 13.12.2023 passed by the learned Civil Judge (Senior Division)-VII, Dhanbad, in Original Suit No.3 of 2022.
3. Learned counsel for the petitioner submits that M.C.A. No.240 of 2023 has been filed by the O.P.No.4 under Order I Rule 10 (2) CPC which has been allowed by the learned court. He submits that the intervenor is not the necessary party and in spite of that, the learned court has passed the order which is not in accordance with law and in view of that this petition may kindly be allowed.
4. On perusal of the impugned order dated 13.12.2023 it transpires that the learned court has found that the plaintiff has also filed another suit wherein the intervenor was made defendant no.1 by the plaintiffs themselves and also the

suit property in both the cases are the same. A criminal case was also filed by the plaintiffs against the intervenor and in this background, the learned court has been pleased to allow the petition. It transpires that the learned court after applying the judicial mind has found that the intervenor is the necessary party and under the given circumstances has rightly allowed the same. There is no illegality in the impugned order, and as such, this petition is hereby dismissed.

5. Pending petition if any also stands disposed of.