

Court No. - 10

Case :- MATTERS UNDER ARTICLE 227 No. - 11546 of 2023

Petitioner :- Subhash Chandra

Respondent :- Ramnath And 9 Others

Counsel for Petitioner :- Surya Bhan Dubey

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Umesh Kumar, Advocate holding brief of Sri Surya Bhan Dubey, learned counsel for the petitioner and perused the record.
2. By the impugned order dated 21.8.2023, impleadment application, Paper No. 27-Ka filed by one Smt. Rekha Seth has been allowed.
3. It is contended that the said impleadment has been allowed in the proceedings of revision and the application was moved under wrong provision of law and, therefore, it should not have been allowed. Various other submissions on the merits of the claim set up by Smt. Rekha Seth have been advanced.
4. The court finds that Smt. Rekha Seth has not been impleaded as a respondent in the present petition. Further, even as per learned counsel for the petitioner, Smt. Rekha Seth sought her impleadment at the strength of some sale deed.
5. The court finds that impleadment has been allowed under Order I Rule 10 C.P.C. and despite the dispute raised by the petitioner before the court below referring various provisions of order XXII C.P.C., the court does not find any illegality in the order impugned, inasmuch as it is well settled that mere wrong mention of provision is of no significance and the substantive rights of the parties agitated before the court of law have to be decided in the light of contents of application and not merely by looking at the nomenclature or provision mentioned.
6. Impleadment at the strength of a title deed being according to law, the court does not find any good ground to set aside the order impugned.
7. This petition under Article 227 of the Constitution of India has no merit and is, accordingly, **dismissed**.

Order Date :- 22.11.2023

Kumar Manish.