

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.62 of 2025

1. Smt. Putul Baidya Nandi, Age 56 years, W/o Lt. Subhash Baidya, resident of village- College Purba Para, Belonia, P.O. & P.S. Belonia, Sub-Division- Belonia, District- South Tripura, Pin-799155

2. Sri Swarup Baidya, Age 33 years, S/o Lt. Subhash Baidya, resident of village – College Purba Para, Belonia, P.O & P.S. – Belonia, Sub-Division- Belonia, District- South Tripura, Pin-799155

.....Petitioner(s);

Versus

1. Smt. Dipali Ghosh, W/o Lt. Tapan Kr. Ghosh

2. Sri Somen Ghosh, S/o Lt. Tapan Ghosh

3. Smt. Sumana Ghosh, D/o Lt. Tapan Ghosh,

All are residents of village – College Tilla (East), P.O. Sarsima, P.S. Belonia, Sub Division- Belonia, District- South Tripura, Pin-799155

4. Smt. Swapna Ghosh (Biswas), W/o Sri Gopal Biswas, D/o Lt. Tapan Ghosh, Resident of village – Sripalli, Dukli, P.O- Dukli, P.S. Amtali, Sub-Division- Sadar, District – West Tripura, Pin-799003

5. Sri Raj Mohan Baidya, S/o Lt. Sarada Charan Baidya, resident of village – College Tilla, P.O.- Sarasima, P.S. Belonia, Sub-Division- Belonia, District- South Tripura, Pin-799155

6. Sri Chinmoy Baidya, S/o Sri Raj Mohan Baidya, Resident of village – College Tilla, P.O. Sarasima, P.S. Belonia, Sub-Division- Belonia, District- South Tripura, Pin-799155

7. Smt. Mani Biswas (Baidya), W/o Sri Chinmoy Baidya, Resident of village – College Tilla, P.O. Sarasima, P.S. Belonia, Sub-Division: Belonia, District- South Tripura, Pin-799155

.....Respondent(s)

For Petitioner(s) : Mr. Anupam Pal, Advocate,
Mr. Saugat Datta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

01/11/2025

Heard counsel for the petitioners.

2. Petitioners are third parties to a suit for declaration of title and recovery of possession filed by respondents No.1, 2 & 3 against the other respondents being T.S. 28 of 2018 on the file of the Civil Judge (Jr. Divn.), Belonia, South Tripura.

3. Petitioners filed an application under Order I Rule 10(2) of the CPC before the said Court to implead themselves in the suit on the ground that the suit land was allotted to Subhash Baidya, who is now deceased, and after the death of Subhash Baidya, his legal heirs are the owners of the suit land; that the suit land is adjacent to the plaintiff's land; and the petitioners, who are neighbours, need to be impleaded in the suit on the ground that their land is also included in the suit schedule.

4. The Trial Court rejected the said application stating that the plaintiff in the suit is the *dominus litis*, and he has to choose the person(s) against whom he wishes to litigate, and he cannot be compelled to sue a person against whom he does not seek any relief. Certain cases decided by the Supreme Court in support of the said proposition are also quoted in the judgment of the Trial Court.

5. Though counsel for petitioners contends that the order is erroneous, I see no reason to interfere with the judgment of the Trial Court which correctly applies the principle of impleadment of parties in the suit. Therefore, the revision fails, and it is accordingly dismissed.

6. No costs.

(M.S. RAMACHANDRA RAO, CJ)

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