



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1093 of 2026

Sanjiban @ Sanjaya Swain

.....

Petitioner

Represented by Adv. -
Gopal Krishna Nayak

-versus-

Niranjan Swain and others

.....

Opposite Parties

Mr. S. Behera, AGA

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

21.07.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner as well as learned
 counsel for the State for the Opposite Party Nos.5 & 6. Perused the
 CMP application as well as the prayer made therein.
3. The Petitioner, who happens to be the plaintiff in C.S. No. 97
 of 2024 pending in the court of learned Senior Civil Judge,
 Bhanjanagar, has approached this Court, challenging the impugned
 rejection order dated 05.05.2026 at Annexure-3 passed by the above
 noted court on an application of the Petitioner filed under Order 1
 Rule 10 of the CPC with a prayer to implead the Assistant
 Settlement Officer, Ganjam as a party to the suit.



4. Learned counsel for the Petitioner at the outset contended that the Petitioner as plaintiff filed a suit for declaration of right, title, interest and for permanent injunction. In the suit, along with private Opposite Parties, the Collector, Ganjam and the Tahasildar, Buguda have been arrayed as defendants. During the pendency of the suit, the Petitioner-plaintiff filed an application under Order 1 Rule 10 of CPC with a prayer to implead the Assistant Settlement Officer, Ganjam as a party to the suit on the ground that the said ASO had published the final ROR on 24.03.1984 in respect of the suit schedule land, which stands recorded in the name of the grandfather of plaintiff and defendant Nos.1 to 4. On the basis of the aforesaid factual position, learned counsel for the Petitioner contended that the Assistant Settlement Officer, who had published the final ROR, is a necessary party to the suit, and accordingly, moved an application under Order 1 Rule 10 of the CPC to implead the ASO, Ganjam as a defendant to the suit.

5. The learned trial Court, by virtue of its order dated 05.05.2026 at Annexure-3 passed in the above noted suit, rejected the prayer of the Petitioner to implead the Assistant Settlement Officer, Ganjam as a defendant to the suit. While rejecting the application of the Petitioner for such impleadment, the learned trial Court has categorically held that the Assistant Settlement Officer is neither a necessary party nor a proper party to the suit.

6. On perusal of the reasoning given by the learned trial Court, this court is satisfied that the trial court has not committed any illegality. Moreover, the principle enshrined in Order 1 Rule 10 of CPC confers a discretionary power on the learned trial Court to



either add or delete any of the parties to the suit. In the present case, the learned trial court has come to a categorical conclusion that the Assistant Settlement Officer, Ganjam is not a necessary party to the suit. In view of such finding, this court is of the view that no prejudice will be caused to the Petitioner-plaintiff. Accordingly, the impugned order dated 05.05.2026 at Annexure-3 does not call for any interference. Hence, the present CMP application stands dismissed.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout