

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 709 of 2016**

- Ramandeep Sharma S/o Satpal Sharma, Aged About 41 Years R/o Agroha Marg, Korba, Tehsil & Distt. Korba (Chhattisgarh)

---- Petitioner**Versus**

1. Satya Kumar Paliwal S/o Late Chandrabhan Paliwal, Aged About 51 Years R/o Luluram Colony, Korba Tehsil & District Korba (Chhattisgarh)
2. Shiv Kumar Seth S/o Jokhura Seth, Aged About 49 Years Caste Sonar, R/o M I G-1/90, Maharana Pratap Nagar, Kosabadi, Korba, Tehsil & District Korba (Chhattisgarh)
3. Superintendent, Land Record (Bhu-Abhilekh) Group (Dal) No. 1, Office Of Superintendent Land Record, Collectorate Korba, Tehsil & Distt. Korba (Chhattisgarh)
4. State Of Chhattisgarh, Through District Collector, Collectorate Korba, Tehsil & District Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For Respondents-State	:	Shri UNS Deo, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/11/2016**

1. Petitioner's suit for declaration and permanent injunction has been dismissed by the trial Court even though issue No.3 concerning his title and possession on land bearing Khasra No.321/1ख, 324/1ख, area 0.14 and 0.57 acres respectively, total area 0.71 Acres has been decided in his favour. Petitioner's first appeal is pending consideration before the Court of First Additional District Judge, Korba. In the said first appeal the petitioner moved application under Order 1 Rule 10 CPC for impleadment of the

subsequent purchasers on the ground that although they have purchased a different piece of land, but they are interfering in petitioner's possession on the strength of the sale deed by wrongly projecting them as purchasers of the present suit land. Admittedly, the sale deed in favour of the parties to be impleaded was executed on 31.03.2014 i.e. much before the decree passed on 11.03.2016. It is also to be seen that if the sale deed is for a different piece of land and not for the present suit land, allowing impleadment at the first appellate stage would multiply and complicate the litigation.

2. Petitioner may consider, if so advised, to prefer afresh suit against the proposed parties.
3. No case for interference with the impugned order is made out in this petition under Article 227 of the Constitution of India. It is accordingly dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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