

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 162 of 2016**

Naresh Kumar Sahu, aged about 40 years, son of Nandan Sahu, Caste- Teli, resident of Village- Nagpura, Post Office-Chandkhuri, Police Station – Mandir Hassaud, Tahsil-Arang, District – Raipur (C.G.) ...Defendant No. 1

---- Petitioner**Versus**

1. Than Singh, aged about 19 years, son of late Ratnu Dhimar, Caste-Dhimar, resident of Subhash Nagar, Mahasamund, Police Station-Mahasamund, Tahsil & District Mahasamund (C.G.) ...Plaintiff
2. Lakhan Lal Dhiwar, aged about 67 years, son of Ratnu Dhiwar, Caste-Dhimar, resident of Village-Koma, Post Office – Koma, Tahsil-Bagbahra, District -Mahasamund (C.G.)
3. State of Chhattisgarh, through the Collector, Mahasamund, District Mahasamund (C.G.)Defendants

---- Respondent

For Petitioner:	Mr. J.K. Gupta, Advocate.
For Respondent No.3/State:	Mr. Avinash Singh, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/10/2016**

Heard on admission.

(1) In a suit filed by respondent No.1/plaintiff, the trial Court after filing of written statement, framed five issues on 15.05.2015. Thereafter, on 24.08.2015, defendant No.1 has made an application under Order 14 Rule 5 of the CPC for framing additional issue that Siyaram Dhiwar is a necessary party in view of the pleadings made by respondent No. 2- Lakhan Lal Dhiwar,

which was rejected by trial Court by the impugned order dated 12.01.2016.

(2) After hearing learned counsel appearing for the petitioner, this Court is of the considered opinion that the trial Court has not committed any illegality in the order impugned holding that Siyaram Dhiwar is not necessary or proper party in the civil suit, even otherwise plaintiff is *dominus litis* of his suit and he cannot be compelled to implead party against his wishes.

(3) Accordingly, the writ petition, being devoid of merit, is liable to be and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-