

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.140 of 2014

1. Smt. Ushadevi, aged about 58 years, D/o Sanat Kumar @ Dhelau Dani (wife of Shri Shivram Prasad Gupta), R/o Gupta Para, Ward No.10, Kawardha Post, Police Station and Tehsil Kawardha, Civil and Revenue District Kabirdham (C.G.)
 2. Smt. Kamlani, aged about 52 years, D/o Sanat Kumar @ Dhelau Dani (wife of Shri Purushottam Gupta), R/o Near Old Bus Stand, Imlipara, Bilaspur, Post, Civil and Revenue District Bllaspur (C.G.)
- (Plaintiffs)
---- Petitioners

Versus

1. Dhelau Dani @ Sanat Kumar, aged about 78 years, S/o Chamru Dani, R/o Danipara, Pipariya, Kawardha Post, Police Station Pipariya, Tehsil Kawardha, Civil and Revenue District Kabirdham (C.G.)
 2. Yogendra Dani, aged about 50 years, S/o Sanat Kumar @ Dhelau Dani, R/o Danipara, Pipariya, Kawardha Post, Police Station Pipariya, Tehsil Kawardha, Civil and Revenue District Kabirdham (C.G.)
 3. State of Chhattisgarh, through Collector, Kabirdham (C.G.)
- (Defendants)
---- Respondents

For Petitioners:	Mr. Govind Dewangan, Advocate.
For Respondents No.1 and 2:	Mr. Abhishek Pandey, Advocate.
For State/Respondent No.3:	Mr. Dheeraj Kumar Wankhede, Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/01/2017

1. The plaintiffs filed suit against the defendants on 23-4-2013 for declaration, partition and separate possession. During the pendency of suit, the petitioners/plaintiffs filed an application under Order 1 Rule 10 of the CPC for impleading Subhash Kumar and others as party defendants in the suit stating that defendant Dhelau

Dani has sold the property to the proposed defendants and they are the purchasers of suit property way back in the years 2011 and 2012, and in order to decide the suit effectively, they are necessary as well as proper party which has been rejected by the impugned order.

2. Since the plaintiffs have already made objection to the registration of sale deed in favour of the proposed defendants by making an objection to the Sub Registrar, Kawardha and taking into consideration the nature of dispute between the parties, it appears that the proposed defendants are proper and necessary party. Therefore, the impugned order is set aside and the proposed defendants be impleaded as party defendants subject to payment of cost of Rs.5,000/- to be paid to the defendants. The plaintiffs shall add the proposed defendants as party defendants within a week from the date of issuance of a copy of this order, before the trial Court. They shall appear before the trial Court on 6-2-2017 and the trial Court would do well to consider and dispose of the suit itself after noticing the proposed defendants within a period of six months from today.
3. The consequential application for amendment filed by the petitioners herein / plaintiffs is allowed subject to payment of further cost of Rs.5,000/- to be paid to the respondents herein / defendants.
4. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge