

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No. 378 OF 2017**

Rohin Shukla S/o Shri Ravishankar Shukla, Aged About 35 Years R/o A-14, Amrapali Sahakari Grih Nirman Samiti Lalpur Road Behind Colour Mall Raipur, Post & Tehsil Raipur, P. S. New Rajendra Nagar, District Raipur Chhattisgarh

---- **Petitioner**

**Versus**

1. Ruchir Shukla S/o Shri Ravishankar Shukla, Aged About 33 Years, R/o Century Cement Colony B/22, Dindayal Upadhyay Nagar, Behind Ravishankar Shukla University Raipur, Bhilai Road, Post & Tehsil Raipur, Civil & Revenue District Raipur Chhattisgarh.

Business Address- Vishnu Kalewa Restaurant, Pachpedi Naka, In front of Station House Lalpur Road, Pachpedi Naka Raipur, Civil & Revenue District Raipur Chhattisgarh.

2. State of Chhattisgarh through Collector Raipur, Revenue & Civil District Raipur Chhattisgarh.
3. Ravi Shanker Shukla, S/o Chandra Dutt Shukla, Aged About 63 Years, R/o A-14, Amrapali Sahakari Samiti Lalpur Road, Behind Colour Mall Raipur, Post & Tehsil Raipur, P. S.-New Rajendra Nagar, District Raipur Chhattisgarh

(Respondent No. 3 is the New defendant, as per the impugned order dated 08/05/2017)

---- **Respondents**

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|----------------------------|---|---------------------------------------|
| For Petitioner             | : | Mr. Surfaraj Khan, Advocate           |
| For Respondents No. 1 & 3  | : | Mr. Varun Sharma, Advocate            |
| For Respondent No. 2/State | : | Ms. Shobha Kashyap, Dy. Govt Advocate |

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**Hon'ble Shri Sanjay Agrawal, J.**

**Order On Board**

**18/09/2017**

1. This is the petition preferred by the plaintiff/petitioner under Article 227 of the Constitution of India questioning the order dated 08/05/2017, by which, the trial Court while rejecting the plaintiff's application filed under Order 8 Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC"), has allowed

the application filed by respondent No. 3 Ravi Shanker Shukla under Order 1 Rule 10 of the CPC. This petition is being entertained only with regard to the order impugned whereby the application filed under Order 1 Rule 10 of the CPC was allowed.

2. The undisputed facts of the case, are that the plaintiff has instituted a suit claiming declaration of exclusive ownership as well as the injunction with regard to the suit property. During its pendency, an application was made by respondent No. 3 Ravi Shanker Shukla under Order 1 Rule 10 by submitting *inter alia* that the suit property was in fact purchased by him from its own efforts, therefore, it was his self acquired property and under such circumstances, praying for his impleadment in order to safeguard his interest over the suit property.

3. The said application was objected by the plaintiff by saying that he alone is the owner of the suit property and does not want to implicate his father in this suit unnecessarily. The trial Court, however, after considering the application as well as reply to the said application, came to a conclusion that respondent No. 3 Ravi Shanker Shukla is also one of the necessary party. The findings so recorded in this respect do not suffer from any infirmity so as to interfere with the order impugned. Accordingly, the same deserves to be and is hereby affirmed in this regard.

4. Consequently, the petition being devoid of merit is hereby dismissed at admission stage itself. No order as to costs.

Sd/-

(Sanjay Agrawal)  
Judge