

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 811 of 2017**

Lokeshwar Sahu S/o Late Raghunath, Aged about 76 years, R/o Village Bansapara, Post Gangouti, Police Station Surajpur, Tahsil Bhaiyathan, District Surajpur Chhattisgarh.....(Plaintiff)

---- Petitioner

Versus

1. Smt. Sulochani Devi W/o Devsharan Sahu, Aged about 40 years, R/o Village Khanda, Post Kasara, Police Station Patna Tahsil Baikunthpur District Koriya Chhattisgarh.
2. Devsharan Sahu S/o Rampyare Sahu, Aged about 45 years, R/o Village Khanda, Post Kasara, Police Station Patna Tahsil Baikunthpur District Koriya Chhattisgarh.
3. State of Chhattisgarh, through The Collector Koriya Baikunthpur District Koriya Chhattisgarh.....(Defendents)

---- Respondents

For Petitioner	:	Mr. A. N. Pandey, Advocate.
For Respondents/State	:	Mr. S. Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/11/17**

1. By the impugned order dated 16.05.2017, the trial Court has allowed the application under Order 1 Rule 10 of CPC filed by Ramnaresh Yadav, son of Late Amarjeet Yadav, directing him to implead as party defendant in the suit, being aggrieved against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.
2. Learned counsel appearing on behalf of petitioner / plaintiff would submit that Ramnaresh Yadav is neither a necessary party nor a proper party in the suit and, therefore, the impugned order be set aside.

3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. The trial Court has clearly held that according to the applicant Ramnaresh Yadav, he is the possession holder of the suit land and he is not only proper but necessary party in the suit. Therefore, the order impleading the applicant as party defendant in the suit is purely a matter of discretion and the trial Court has exercised discretion strictly in accordance with law in which I do not find any jurisdictional error to interfere with.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge