

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 842 of 2017**

1. Smt. Saira Bano Wd/o Late Mohammad Ismail, Aged About 77 Years R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
2. Mohammad Shafiq, S/o Late Mohammad Siddhiqui, Aged About 48 Years R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
3. Mohammad Ishak, S/o Late Mohammad Ismail, Aged About 50 Years R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
4. Mohammad Raza, S/o Late Mohammad Ismail, Aged About 43 Years R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
5. Mohammad Ahmed, S/o Late Mohammad Ismail, Aged About 48 Years R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
2. Tehsildar Dhamtari (Revenue), Tahsil & District Dhamtari Chhattisgarh.
3. Tehsildar (Nazul) Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
4. Commissioner, Municipal Corporation, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
5. Mayor, Municipal Corporation, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.
6. Gajraj Jain, S/o Late Shri Manlal Jain, Aged About 72 Years R/o Behind Adarsh Bal Mandir, R/o Motor Stand Ward, Dhamtari, Tahsil & District Dhamtari Chhattisgarh.

---- Respondent

For Petitioners	Shri Kshitij Sharma, Advocate.
For Respondent Nos. 4 & 5	Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/11/2017

1. The trial Court has dismissed plaintiffs' application under Order 1 Rule 10 CPC for impleadment of the Bhartiya Jan Sangh Shakha present new name Bhartiya Janta Party Office Gali No.4, Vivekanand Nagar Dhamtari, District Dhamtari C.G.
2. The present suit for declaration that the plaintiffs have not encroached any land, therefore, proceedings under taken by the Municipal Corporation to demolish the boundary wall and remove encroachment is illegal and void and for issuance of permanent injunction has been moved on the pleadings that the said land was allotted in the name of defendant No.6 Gajraj Jain as President of Bhartiya Jan Sangh, Dhamtari. However, in due course Bhartiya Jan Sangh is not in existence and the said entity is renamed as a political party in the name of Bhartiya Janta Party, therefore, in the event the suit succeeds without impleading the Bhartiya Janta Party, the plaintiffs' would not, reap the fruits of litigation.
3. It is settled law that judicial notice can be taken of the

notorious facts. It is known to one and all that the erstwhile Bhartiya Jan Sangh is now renamed as a political party by the name of Bhartiya Janta Party, therefore, in order to shorten the litigation and to provide opportunity, to the stake holders, as also to avoid multiplicity of litigation, it is deemed appropriate that the petitioners should be allowed to implead the new defendants in the manner prayed in the application under Order 1 Rule 10 CPC.

4. Accordingly, the prayer made in the application under Order 1 Rule 10 CPC is allowed. The trial Court shall allow the petitioners/plaintiffs to implead the new defendant; issue notice to the said defendant; and complete the trial within 6 months from the date the newly added defendant appears in the suit.
5. The writ petition stands disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh