

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 874 of 2017**

1. Fhatkan Bai W/o Late Ghurau, aged about 75 years, R/o Village Saila Police Station Parsan District Korba Chhattisgarh.
2. Shyam Bai W/o Late Sitaram, aged about 68 years, R/o Near Pathak Bagicha Jabdapara, Near Ankit Vidhya Mandir Bilaspur District Bilaspur Chhattisgarh.
3. Rambai W/o Late Thau, aged about 65 years, R/o Village Saila Police Station Parsan District Korba Chhattisgarh.

---- Petitioners

Versus

1. Ranjeet Nayak S/o Late Moti Lal Nayak, aged about 55 years, R/o Tingipur Word No. 09 Katghora District Korba Chhattisgarh. (Plaintiff)
2. State of Chhattisgarh, Through Collector Korba District Korba Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Amit Kumar, Advocate.
For Respondents/State	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/11/17**

1. The defendants have filed an application under Order 1 Rule 10 of the C.P.C. for impleadment of plaintiff's brother and sister as party in the suit which has been rejected by the trial Court by impugned order dated 29.06.2017 finding no merit, 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 would submit that the impugned order is unsustainable and bad in law and is liable to 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 recorded the finding that the proposed plaintiffs are neither necessary nor proper party for just and proper disposal of the civil suit and the civil suit can be disposed of without impleading them as necessary party. The trial Court has exercised the discretion strictly in accordance with law in which I do not find any jurisdictional error. However, the trial Court is directed to expedite the trial and dispose of the suit expeditiously.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge