

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 318 of 2017**

Santosh Jain Son of Shri Sampat Lal Jain, Aged About 47 Years
 Resident of Raghav Kunj, 6, Pp Bakshi Road, 2nd Lane, Choubey
 Colony, Raipur , Civil & Revenue District Raipur Chhattisgarh,

Petitioner**Versus**

1. Abhishek Jain Son of Late Jai Kumar Jain, Aged About 25 Years
 Resident Of Kusum Complex, Jain Mandir T.V. Tower Road, Shankar
 Nagar, Raipur Chhattisgarh
2. Satish Jain, Son of Shri Sampat Lal Jain, Aged About 49 Years
 Resident of Jain Mandir, Shankar Nagar, Raipur Chhattisgarh
 District : Raipur, Chhattisgarh

--- Respondents

For the petitioner	:	Mr. Sameer Uraon, Advocate
For the State	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****20.03.2018**

1. Heard.
2. The instant petition is against the order dated 04.08.2016
 passed by the learned Civil Judge, Class-II, Raipur in Civil Suit
 No. 160-A/2014 whereby the application filed under Order 1
 Rule 10 of Code of Civil Procedure was rejected on the
 ground that no reason has been assigned.
3. Learned counsel for the petitioner would submit that proper
 reason has been assigned in the application under Order 1
 Rule 10 of CPC and the Court below has not taken into
 consideration of the facts.
4. Perused the application filed under Order 1 Rule 10 of CPC.
 The order only purports that the petitioner want to add one

Satish Jain who has executed one family settlement deed. A perusal of the plaint would show that the suit was filed for declaration and permanent injunction. It further shows that the plaintiff has stated that the family settlement deed dated 04.10.1993 does not bear the signature of the plaintiff and it was signed by one Satish Jain, his brother. The plaintiff has to prove his case and has to succeed on his own strength. Merely on the allegation that the settlement deed is alleged to be executed by one person, he cannot be sought to be made a party on such wild allegations. If the plaintiff is serious about the issue, he may lead evidence and prove that the settlement deed has not been executed by him. At this stage, the Court cannot direct for roving enquiry on the allegation and go into the averments to array certain person as party in the suit. Therefore, I do not find any illegality or perversity in the impugned order dated 04.8.2016. Accordingly, the petition is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**