

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 532 of 2018**

Suresh Kumar Chouhan S/o Lalbahadur Singh Chouhan, Aged About 52 Years Through His Power Of Attorney Holder Rishi Raman Chouhan, S/o Suresh Kumar Chouhan, Aged About 31 Years, R/o S.K. Steel Foundry Works, G.E. Road, Durg Chhattisgarh. Present Address - Motipara, Choudhri Bada, Durg, Tahsil & District Durg Chhattisgarh. (Defendant), District : Durg, Chhattisgarh --- **Petitioner**

Versus

Shri Laxminarayan Maharaj Trust Killa Mandir, Durg Through Principal Trustee Shri Vinod Kumar Agrawal, S/o Late Shri Dau Parmanand Agrawal, Aged About 62 Years, R/o Baniyapara, Durg, Tahsil & District Durg Chhattisgarh. (Plaintiff), District : Durg, Chhattisgarh --- **Respondent**

For the Petitioner : Mrs. Fouzia Mirza, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.06.2018**

1. The petition is against the order dated 08.05.2018 whereby the First Civil Judge, Class-II, Durg has allowed the application filed under Order 1 Rule 10 of CPC and directed to implead one Anuj Dubey as defendant.
2. The facts of the case are that plaintiff Nyas Shri Laxminarayan Maharaj, Killa Mandir, Durg filed a civil suit against the petitioner. In such suit an application under Order 1 Rule 10 of CPC was filed on the ground that the proposed defendant has been inducted as sub-tenant to the suit property, therefore, he may be impleaded as party and accordingly, the same was allowed.
3. Learned counsel for the applicant submits that the application filed by the plaintiff is completely misconceived.

It is further submitted that it is not a case that the suit can be decided without the presence of the proposed defendant as he is not a necessary party and the original case of the plaintiff is that the defendant-petitioner herein is the tenant.

4. A perusal of the documents would show that an application was filed by the plaintiff wherein it was stated that one Anuj Dubey was inducted as sub-tenant in suit premises by the defendant and prayed that the said person may be impleaded as party/ defendant in the said suit.
5. Considering the averments made in the application under Order 1 Rule 10 of CPC and the fact that the plaintiff is dominus-litus when specific averments have been made that the proposed defendant has been inducted as sub-tenant, in such a case I do not find any jurisdictional error in the impugned order warranting interference by this court in exercise of the power under Article 227 of the Constitution of India.
6. Accordingly, the petition has no merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**