

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 697 of 2018**

1. Dularu Ram Sonkar, aged about 52 years, S/o Late Kartikram Sonkar, R/o Sonkarpara, Raipur, Tahsil and District Raipur (C.G.)
2. Madhu Sudan Lal Sonkar, aged about 46 years, S/o Late Kartikram Sonkar, R/o Sonkarpara, Raipur, Tahsil and District Raipur (C.G.)

---- Petitioners/ Plaintiffs**Versus**

1. The College Ward Grih Nirman Samiti, Sundar Nagar, Raipur, Tahsil and District Raipur, Chhattisgarh, now known as Sundar Nagar Grih Nirman Sahkari Samiti Maryadit, Sundar Nagar, Raipur, District Raipur, Chhattisgarh, through Administrator, Shri Vinay Verma, Sundar Nagar Grih Nirman Sahkari Samiti Maryadit, Registration No. 29.
2. (A)(1) Baldau Sharma @ Chandraprakash Sharma S/o not known to the petitioner.

(A)(2) Subhash Sharma S/o Shri Baldau Sharma @ Chandraprakash Sharma

(A)(3) Anil Sharma s/o Shri Baldau Sharma @ Chandraprakash Sharma

(A)(4) Dr. Karuna Pandey D/o Shri Baldau Sharma @ Chandraprakash Sharma

(A)(5) Smt. Rekha Sharma D/o Shri Baldau Sharma @ Chandraprakash Sharma

No. 2(A)(1) to (5) all are R/o Sundar Nagar, Raipur, Tahsil and District Raipur, Chhattisgarh.

(B) Smt. Archana Tiwari, aged about 44 years, Wd/o Late Sunil Tiwari, R/o Sundar Nagar, Raipur, Tahsil and District Raipur (C.G.)

(C) Ashu, aged about 20 years, S/o Late Sunil Tiwari, R/o Sundar Nagar, Raipur, Tahsil and District Raipur (C.G.)

(D) Ankit, aged about 18 years, S/o Late Sunil Tiwari, R/o Sundar Nagar, Raipur, Tahsil and District Raipur (C.G.)

3. Shri Sunil Gautam, aged about 33 years, s/o Shri Yadunandan Singh Gautam, Sundar Nagar, Raipur, Tahsil and District Raipur, Chhattisgarh.
4. The State of Chhattisgarh, through Collector, Raipur, District Raipur, Chhattisgarh.

---- Respondents / Defendants

For Petitioners	:	Mr. Rajesh Kumar Tiwari, Advocate.
For Respondents	:	Mr. Sameer Oraon, Advocate.
For Respondent No. 5 / State	:	Mr. Rahul Tamaskar, PL.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/10/2018

1. The plaintiffs / petitioners herein filed an application under Order 1 Rule 10(2) read with Section 151 of the CPC for impleading the purchasers of the suit property as party defendants in the suit which has been rejected by the trial Court by impugned order Annexure – P/1 against which this writ petition has been preferred.
2. Learned counsel appearing for the petitioners would submit that the subsequent purchasers of the suit property alienated by defendant No. 1 are necessary party therefore, the trial Court ought to have impleaded them as party defendants in the suit.
3. I have heard learned counsel for the petitioners at length and perused the impugned order with utmost circumspection.
4. It is the case of the petitioners that respondents / defendants has sold the property to the proposed defendants during the pendency of the suit therefore, they are the proper and necessary party and ought to have been impleaded as party defendants in the suit which has been rejected by the trial Court by the impugned order. The alienation made by defendant No. 1 during the pendency of the suit would be covered under Section 52 of the Transfer of Property Act, 1882 and as such, the trial Court is absolutely

justified in dismissing the application under Order 1 Rule 10(2) read with Section 151 of the CPC filed by the petitioners in which I do not find any illegality or perversity warranting interference under Article 227 of the Constitution.

4. As the suit is pending consideration since 11.04.1995, the trial Court is directed to conclude the hearing of the suit expeditiously within a period of 45 days from the date of receipt of copy of this order.

5. With the aforesaid observation, the writ petition stands dismissed. No cost(s).

6. A copy of this order be sent to the trial Court through District Judge, Raipur by Fax and e-mail apart from the usual mode forthwith for hearing and disposal of the suit.

Sd/-

(Sanjay K. Agrawal)
Judge