

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 754 of 2018**

Rajneet Verma S/o Dr. R. J. Verma, aged about 34 years, R/o D-1, Balaji Awasiya Parisar, Uslapur, Near Over Bridge, Tahsil and District Bilaspur (C.G.)
--- Petitioner

Versus

Rajesh Goyal S/o Bhikhamchand Goyal, aged about 38 years, R/o Vishnu Saw Mill, Near Uslapur Over Bridge, Tahsil and District Bilaspur (C.G.) present R/o Sarjubagicha, Masanganj, Tahsil and District Bilaspur (C.G.)
---- Respondent

For Petitioners : Mr. Manoj Paranjpe, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18/09/18**

1. Learned counsel for the petitioner submits that petitioner / plaintiff's application under Order 1 Rule 10 of CPC has been rejected by the trial Court by the impugned order dated 07.08.2018 only on the ground of delay and the case is fixed for evidence.
2. I have heard learned counsel for the petitioner.
3. The petitioner's application under Order 1 Rule 10 of CPC ought to have been decided on merits by the trial Court whether the proposed defendant is a proper and necessary party for just and proper disposal of the suit. If it is a necessary party, it will avoid the multiplicity of the suit. Therefore, the impugned order is set aside subject to payment of cost of Rs. 5,000/- to the defendant No. 1 payable on the next date of hearing. The trial Court is directed to decide the plaintiff's application under Order 1 Rule 10 of

CPC afresh on its merits within a period of 10 days from the date of production of copy of this order. However, the defendant would be at liberty to move an application for modification of the order, if he is aggrieved.

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

SD/-

(Sanjay K. Agrawal)
Judge