

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 789 of 2018**

Ramdayal Agarwal S/o Late Shri Ramsahay Agrawal, aged about 78 years, R/o 323-A, Sundar Nagar, Raipur, District Raipur (C.G.)

---- **Petitioner**

Versus

1. Suman Bahadur agbed about 27 years, W/o Narsingh Bahadur, R/o Near Diamond Tree, Mowa, Lohia Nagar, Pandari, Raipur, District Raipur (C.G.)
2. Assistant Engineer, Zone – Daldalsiwni, Chhattisgarh State Electricity Distribution Company Limited, Raipur (C.G.)
3. Executive Engineer (North City), Division Chhattisgarh State Electricity Distribution Company Limited, Raipur (C.G.)
4. District Collector of Raipur, Raipur (C.G.)

---- **Respondents**

For Petitioner : Mr. Prasoon Agrawal appearing on behalf of Mr. Pallav Mishra, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/12/18

1. Petitioner filed an application under Order 1 Rule 10(2) of CPC which has been rejected by the trial Court by impugned order dated 08.12.2017 on the ground that petitioner has failed to submit necessary documents in support of his application and affidavit has also not been filed against which this writ petition has been preferred.
2. Learned counsel appearing for the petitioner submits 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.

4. The trial Court has rightly rejected the application of petitioner as no documents in support of application has been filed by the petitioner herein to demonstrate that he is the necessary party to the suit and even the affidavit has not been filed.

5. Be that as it may, the petitioner is at liberty to file fresh application duly supported by necessary documents and affidavit to demonstrate that he is the necessary party to the suit and in that event, the trial Court will decide the petitioner's application afresh in accordance with law without being prejudice by its impugned order.

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

SD/-

(Sanjay K. Agrawal)
Judge