

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.848 of 2018

Rajkumar Agrawal, S/o Late Shankarlal Agrawal, aged about 55 years,
R/o Near Jute Mill Dharmashala, Raigarh, Tahsil District Raigarh
(C.G.)

(Proposed plaintiff)
---- Petitioner

Versus

1. Subhas Chandra Agrawal, S/o Shankarlal Agrawal, aged about 60
years, R/o New Road, In front of Jute Mill Dharmashala, Raigarh,
Tahsil District Raigarh (C.G.)

(Plaintiff)

2. Vijaykumar Agrawal, S/o Shankarlal Agrawal, aged about 40 years,
R/o New Road, In front of Jute Mill Dharmashala, Raigarh, Tahsil
District Raigarh (C.G.)

(Defendant)
---- Respondents

For Petitioner: Mr. Vineet Kumar Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/10/2018

1. Heard on admission.
2. By the impugned order, the petitioner's application under Order 1 Rule 10 of the CPC has been rejected against which this writ petition has been preferred.
3. Learned counsel for the petitioner submits that the order impugned is unsustainable and bad in law.
4. Shankarlal Agrawal – petitioner's father filed a suit for eviction of defendant Vijay Kumar Agrawal on the basis that the defendant is licensee. Original plaintiff Shankarlal Agrawal died on 21-1-2011 and his elder son Subhash Chandra Agrawal was substituted in place of the original plaintiff. The proposed plaintiff is also son of Shankarlal

Agrawal, he filed application that he also be impleaded as plaintiff that has been rejected granting liberty to him to file fresh suit for partition of his share in the suit accommodation. Since the present suit is only for eviction of the licensee, the trial Court is justified in rejecting the application as the remedy of the petitioner herein is to file suit for partition of his share including the suit accommodation which is the subject matter of the present civil suit.

5. The writ petition is disposed of with the aforesaid observation. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma