

SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.3904 of 2018

ORDER:

This civil revision petition is filed by the petitioner aggrieved by the order dated 07.05.2018 in IA.No.32 of 2015 in O.S.No.143 of 2013 passed by the Junior Civil Judge, Sirpur, by virtue of which the Court below dismissed the petition, filed by the petitioner, to implead him as defendant No.3 in the suit.

2. Heard the counsel for the petitioner and the counsel for the respondent.

3. The first respondent – petitioner filed a suit for injunction against respondents 2 and 3 herein. The petitioner herein, who is a third party, sought to get impleaded in the suit. The Court below observed that there was no proof with regard to the allotment of the land to the petitioner and that the allotment of land pertaining to Mahankali Temple is under process. It also observed that when the suit is only for injunction simplicitor, there cannot be any grievance for the petitioner herein even if he claims to be interested in the property by way of allotment and that he can file a separate suit.

4. The counsel for the petitioner submits that the petitioner is an elected President of the temple and that he is interested in the property.

5. Even assuming that the petitioner is interested in the property, there is no scratch of paper filed in order to prove that he is the elected President of the said temple. There is absolutely no nexus

created between the petitioner and the said property. Hence, his impleadment was rightly declined by the Court below. In view of the above, this Court does not find any reason to interfere with the order impugned.

Hence, the civil revision petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

September 26, 2018
DSK

T. RAJANI, J

