

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 771 of 2019

- Prateek Shrivastava, S/o Shri Manmohan Shrivastava, Aged About 28 Years, R/o 179/ A, Ruvabandha Sector, Bhilai, District : Durg, Chhattisgarh

---- Petitioner

Versus

- Dimesh Nandurkar, S/o Sheshrao Nandurkar, Aged About 39 Years, R/o House No. 423, Purani Basti Pardeshi Chowk, Near Durga Mandir, Supela, Bhilai, District : Durg, Chhattisgarh

---- Respondent

For Petitioner	: Mr. R.K. Gomasta, Advocate.
For Respondent	: None

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-10-2019

1. Heard.
2. This petition has been brought challenging the order dated 06.05.2019, passed by the trial Court dismissing the application filed by the petitioner under order 1 Rule 10 of the C.P.C. for impleading of necessary party.
3. It is submitted that in-fact the loan transaction had been between the respondent and one Shanker Sahu regarding which, clear pleading has been made in the written statement that said Shanker Sahu is a necessary party and that the suit has been filed in collusion with Sanker Sahu, even then the prayer made for impleadment of necessary party was dismissed.
4. After considering the submission made and the documents filed along with the petition, I am of this opinion that the petitioner is at liberty to make a mention before the trial Court itself to frame an issue regarding

the necessary party and collusion in the suit filed.

5. On the basis of the observation so made, the petition is disposed of at motion stage.

yasmin

Sd/-
(Rajendra Chandra Singh Samant)
Judge