

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 263 of 2020

1. Tijauram @ Konda, S/o Nakched Sahu, Aged About 63 Years, R/o Village-Jonki Tahsil Takhatpur, Bilaspur, District: Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Santosh Sahu, S/o Melau Sahu, Aged About 31 Years, R/o Village Jonki Tahsil Takhatpur, Bilaspur, Chhattisgarh.
2. State of Chhattisgarh Through The Collector Bilaspur, District: Bilaspur, Chhattisgarh

---- Respondents

For petitioner	:Mr. N.K. Malviya, Advocate.
For respondents	:Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/03/2020

Heard.

1. This petition has been brought being aggrieved by the order dated 16.1.2020 passed by the learned Civil Judge Class-II, Takhatpur, Distt-Bilaspur, Chhattisgarh in Civil Suit No.54-A/2014, between the petitioner and respondent No.1, rejecting the application filed by the plaintiff/petitioner under Order 1 Rule 10 of CPC.
2. It is submitted that subsequent to filing of civil suit by the plaintiff/petitioner, the respondent No.1 has sold the property to one Vivek Agrawal. When the petitioner had obtained a digital copy of the khasra panchsala of the property in question, he came to know about the sale of property and therefore, he filed an application before the Court below for impleading said purchaser Vivek Agrawal as a party to the proceeding, which has been rejected by the trial Court without appreciating the fact that without impleadment of subsequent purchaser as a party in the suit, there cannot be complete adjudication

of the dispute between the parties. Hence, this petition be allowed and impugned order be interfered with.

3. Learned State Counsel appearing for respondent No.2 has formally opposed the petition.
4. I have heard both the parties and perused the documents on record.
5. On perusal of the copy of application filed under Order 1 Rule 10 of CPC by the petitioner, it appears that the complete details are missing to make out clearly whether the suit property has been sold subsequent to filing-up the civil suit or not. However, if any such sale is made of the suit property during the pendency of the suit, in that case the interest of the subsequent purchaser is also on stake and has to be taken into consideration before adjudication of the dispute raised by the petitioner side. Hence, this subsequent purchaser is a necessary party in the present case.
6. Consequently, the impugned order is set aside and the petitioner is granted liberty to file fresh application for impleading party in his civil suit with complete details. The learned trial Court is directed to give opportunity to the respondent side to file reply and after hearing both the parties, the trial Court shall pass a reasoned order in accordance with law.
7. With the above directions, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge