

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 308 of 2020

Smt. Lalita Sharma, W/o. Girish Sharma, aged about 46 years, By Caste Brahmin, R/o. 16 Gandhi Chowk, Village and Thana Badgaon, Tahsil Pakhanhore, District U. B. Kanker Chhattisgarh.

---- Petitioner

Versus

1. Dhananjay Sharma, S/o. Ramjanm Sharma, aged about 48 years, by Caste - Brahmin, R/o Village and Thana Badgaon, Tahsil Pakhanhore, District U. B. Kanker Chhattisgarh.
2. The State of Chhattisgarh, Through : Collector, District U. B. Kanker Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Parag Kotecha, Advocate
For State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2020

1. This petition has been brought being aggrieved by the order dated 20.12.2019, passed in Civil Suit No. 5-A of 2018, by the Court of Civil Judge Class-II, Pakhanjore, District – North Bastar Kanker (C.G.) dismissing the application filed by the petitioner under Order 1 Rule 10 of C.P.C.
2. It is submitted that the respondent No.1/plaintiff has filed civil suit for declaration, permanent injunction and possession over the suit property. The statement of the petitioner is this that the property claimed by the respondent is joint property of the father of the plaintiff and his father Ramcharit Sharma, therefore,

application was filed to implead Ramcharit Sharma and his son Sampurnanand Sharma as necessary party in this case. The application has been arbitrary and erroneously rejected by the trial Court.

3. State counsel makes formal objection.
4. Considered on the submissions. As informed that the petitioner defendant has not yet filed written statement. On perusing the copy of the plaint, it appears that the plaintiff has claimed his title on the suit property on the basis of the partition, therefore, the statement made by the petitioner regarding property being a joint property has to be pleaded in defence and it may be also pleaded that there is non-joinder of essential and necessary parties, therefore, I do not find any error in the order passed.
5. Accordingly, this petition is disposed off at motion stage itself with the observation made hereinabove.

Sd/-
(Rajendra Chandra Singh Samant)
Judge