

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 283 of 2020

- K. Shriniwas S/o Shri K.B.V. Ratnam, Aged About 42 Years, R/o House No 1037/1 R.T. S Colony Bilaspur Tahsil And District Bilaspur Chhattisgarh. Through Power of attorney holder Amar Nirejak Aged About 30 Years S/o Ramsai Nirejak R/o Torwa, Near primary school Torwa Tahsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

/Plaintiff

Versus

1. Basant Kumar Siriya S/o Babulal Sariya Aged About 60 Years, R/o Dayalband Nayapara Bliaspur Tehsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Rajesh Siriya S/o Basant Kumar Siriya Aged About 42 Years, R/o Dayalband Nayapara Bliaspur Tehsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. State Of Chhattisgarh Through Collector Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Respondents

/Defendants

For Petitioner – Shri Vivek Tripathi, Advocate.

For State/Respondent No.3 – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2021

Heard

1. This petition has been brought against the impugned order dated 20-01-2020 passed by learned trial Court, 1st Civil Judge Class 2 Bilaspur (C.G.) in Civil Suit No.285 A/2015 dismissing the application filed by the petitioner/plaintiff under Order 1 Rule 10 of the CPC praying for impleadment of the additional party, the Cooperative Housing Society.
2. It is submitted by learned counsel for the petitioner that the respondents No.1 and 2/defendants have disputed the title of the petitioner. The petitioner has purchased the suit property from the Cooperative Housing Society, regarding which there is pleading present in the plaint. Hence, on this basis the

Cooperative Housing Society is a necessary party in this case for the purposes of complete and proper adjudication of the dispute present.

3. Considered on the submission. The allegations according to the pleadings in the plaint are only against respondents No.1 and 2 that they are attempting to illegally encroach upon the suit land belonging to the petitioner/plaintiff. Further, there is no such pleading in the plaint to show as to how the Cooperative Housing Society is disputing the title which is as per the pleading in favour of the petitioner. Therefore, I do not find any error in the impugned order. Hence, this petition is disposed off at motion stage. The petitioner has liberty to call authorized person of the Cooperative Housing Society, Railway Colony, Bilaspur in support of his stand in the civil suit.

4. The petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge