

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 06 of 2021

1. Mohan Dead Through His Legal Representative
 - (A) Smt Hemvati, Daughter of Late Mohan Kumar Patel, Aged About 65 Years, Caste Aghariya
 - (B) Madan Kumar Patel, Son of Late Mohan Kumar Patel, Aged About 53 Years, Caste Aghariya.
 - (C) Manohar Lal Patel, Son of Late Mohan Kumar Patel, Aged About 49 Years, Caste Aghariya.
 - (D) Sevati, Daughter of Late Mohan Kumar Patel, Aged About 43 Years, Caste Aghariya
2. Gopiram, Son of Late Puranram Patel, Aged About 65 Years.

All are resident of Piparmar Dharamjaigarh, Tahsil Dharamjaigarh, District- Raigarh (C.G.)

--- Petitioners

Versus

1. Aghan Sai (Dead) Through Legal Representative Sukhmet, Widow of Aghan Sai, Aged About 65 Years, Caste Manjhwari.
2. Mohitram (Dead) Through Legal Representative.
 - (A) Indalmati, Wife of Late Mohitram, Aged About 38 Years.
 - (B) Ku. Rajani, Daughter of Late Mohitram, Aged About 17 Years.
 - (C) Rajeshwari, Daughter of Late Mohitram Aged About 15 Years.
 - (D) Rajesh, Son of Late Mohitram, Aged About 12 Years.
3. Sohitram (Dead) Through Legal Representative Ramshila, Wife of Sohitram, Aged About 42 Years.
4. Sarla, Daughter of Late Lagansai, Aged About 32 Years.

All Caste Manjhar, resident of Piparmar, Dharamjaigarh, Tahsil
Dharamjaigarh, District- Raigarh (C.G.)

5. State of Chhattisgarh, Through Collector, Raigarh, District-
Raigarh (C.G.)

--- Respondents

For Petitioners	:	Mr. Manoj Kumar Jaiswal, Adv.
For State/ respondent No. 5	:	Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12/01/2021

1. This writ petition has been brought under Article 227 of the Constitution of India, seeking indulgence of this Court to quash the order dated 28.02.2020 passed by learned Civil Judge Class-II, Dharamjaigarh, District- Raigarh (C.G.), rejecting the application filed by the petitioners/ plaintiffs under Order 1 Rule 10 (2) of the C.P.C. dated 13.12.2019 & 17.01.2020.
2. It is submitted by learned counsel for the petitioners that during pendency of the civil suit, the defendants have sold the suit property to third person, therefore, the prayer was made for impleadment of third person, as defendant in the case, which has been erroneously and arbitrarily rejected by the trial court, hence, this petition has been filed.
3. Considered on the submissions and also perused copy of the plaint filed along with this petition. It is found that there is no such pleading made by the petitioners/ plaintiffs before making a

prayer for impleadment of the additional parties, which is a necessity to be fulfilled before making any such prayer or that the prayer for making additional party, which may appear justified. Hence, this writ petition is disposed of at motion stage.

4. The petitioners/ plaintiffs are at liberty to file application for suitable amendment in the plaint before the trial court and on that basis, they are also at liberty to file repeat application for impleadment of additional parties.
5. In view of the above, the instant writ petition is disposed of at motion stage itself.

**Sd/-
(Rajendra Chandra Singh Samant)
Judge**