

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.20536 OF 2013

Smt. Anindita Mohanty

....

Petitioner

Mr.S.K.Dash, Adv.

-versus-

Labangalata Das & ors.

....

Opposite Party(s)

Mr.N.K.Sahu, Adv.

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
27.4.2022

7.

1. Heard learned counsel for the Parties.
2. This Writ Petition involves rejection of an Application under Order 1 Rule 10 of C.P.C. involving a third party's request to intervene for having interest vis-à-vis Defendant No.15.
3. There is allegation that Defendant No.15 though filed written statement but at a later stage did not contest the matter effectively. It is at this stage of the matter, this Court attempted to find from Order 1 Rule 10 of C.P.C. Application as to if the Petitioner has any such allegation or not. This Court finds, the Petition did not involve any allegation that Defendant No.15 being Vendor is not taking care of the interest of the third party lis pendent purchaser.

4. Further at this stage, learned counsel for the contesting Plaintiff submits that if the Application at Annexure-5 is looked into, this is not at the instance of the third party even.

5. It is at this stage of the matter, since the Petition involved did not contain the allegation showing negligent by Defendant No.15 in protecting the interest of the third party being the subsequent purchaser and/or lis pendent purchaser, this Court finds no scope for considering such allegation. In the circumstance, this Court though declines to interfere with the impugned order but observes, in the event there is strong ground to involve the third party in the proceeding, it may be open to the third party to face the proceeding.

6. The Writ Petition stands disposed of accordingly. Considering the submission of the Mr.Sahu, learned counsel, that in the meantime, there is death of the Plaintiff, this Court observes, it may be open to the Parties in trial proceeding to take care accordingly.

(Biswanath Rath)
Judge

M.K.Rout