

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1723 OF 2016

***Rajalaxmi Mahapatra @ Mekap and Petitioners
another***

Mr. Jaydeep Pal, Advocate

-versus-

Babi Mahapatra and others Opp. Parties

Mr. Ashok Mohanty, Senior Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.11.2022

Order No.

8.
 1. This matter is taken up through hybrid mode.
 2. Although this matter is listed for extension of the interim order dated 18th January, 2017, but on consent of learned counsel for the parties, the CMP is taken up for final disposal.
 3. Order dated 21st October, 2016 (Annexure-4) passed by learned Additional Senior Civil Judge, Puri in C.S. No. 347 of 2006 is under challenge in this CMP, whereby an application filed by the Plaintiffs-Petitioners under Order 1 Rule 10 C.P.C. to implead Shree Jagannath Temple Administration, Puri as a party to the suit has been rejected.
 4. Mr. Pal, learned counsel for the Petitioners submits that the suit has been filed for cancellation of the sale deed no.1764 dated 12th May, 2000 alleged to have been executed by the Plaintiffs and Defendant Nos.2 to 4 in favour of Defendant No.1 in respect of the suit property and for declaration of their right, title and interest over suit Chulas and Punkties and a further declaration that the Defendant No.1 has no right, title, interest or

possession of the suit Chulas and Punkties over the suit property and for other ancillary relief. Admittedly, the Opposite Parties to the suit are Sevayats of Shree Jagannath Temple, Puri and they are discharging their functions as per the R.O.R. Since the R.O.R. in respect of the suit property stands recorded in the name of Shree Jagannath Temple Administration, Puri and parties to the suit are Sevayats, said Shree Jagannath Temple Administration, Puri is a necessary party to the suit. Accordingly, an application for impleation of Shree Jagannath Temple Administration, Puri was filed serving notice on Shree Jagannath Temple Administration, Puri under Section 80 C.P.C. Learned trial Court under a misconception of law that the Chief Administrator of Shree Jagannath Temple Administration, Puri is neither a necessary nor a proper party to the suit dismissed the said petition. Hence, this CMP has been filed.

5. It is his submission that the suit Chulas and Punkties belong to Shree Jagannath Temple Administration, Puri and the Plaintiffs and Defendants are discharging their duties as per the R.O.R. issued. Thus, the presence of Shree Jagannath Temple Administration, Puri will facilitate effective and complete adjudication of the suit. Hence, he prays for setting aside the impugned order and to permit the Petitioners to implead Shree Jagannath Temple Administration, Puri through Chief Administrator as a party to the suit.

6. Mr. Mohanty, learned Senior Advocate appearing for the Opposite Parties refuting the same contended that no notice whatsoever was served on Shree Jagannath Temple Administration, Puri as alleged in the petition. However, the

sale deed was allegedly executed by the Plaintiffs and Defendant Nos.2 to 4 in favour of Defendant No.1. Since it is an *inter se* dispute between the Plaintiffs and Defendants, the presence of Shree Jagannath Temple Administration, Puri is not required. Any document and information from Shree Jagannath Temple Administration, Puri can be obtained by filing appropriate application. Thus, learned trial Court has committed no error in rejecting the application.

7. Considering the rival contentions of the parties and on perusal of the record, it appears that the suit has been filed claiming right, title and interest over the suit Chulas and Punkties and also for cancellation of the sale deed no.1764 dated 12th May, 2000 allegedly executed by the Plaintiffs and Defendant Nos.2 to 4 in favour of Defendant No.1. The nature of dispute clearly indicates that Shree Jagannath Temple Administration, Puri has no role to play in the matter. The dispute being *inter se* between the Plaintiffs and Defendants, presence of Shree Jagannath Temple Administration, Puri through Chief Administrator is neither required for adjudication of the suit nor its presence will facilitate effective and complete adjudication of the issue involved. Hence, I find no infirmity in the impugned order.

8. Accordingly, the CMP being devoid of any merit stands dismissed.

9. Since the suit is of the year, 2006, learned trial Court shall make an endeavour for early disposal of the suit giving opportunity of hearing to the parties concerned. Parties are

directed to cooperate with learned trial Court for early disposal of the suit.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

