

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.251 of 2018

Sarojini Dash & Ors.

....

Petitioner(s)

Mr. T. Nanda,
Advocate

-versus-

Rabindranath Mishra & Ors.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

16.05.2022

Order No.

05.

1. After valid service of notice on the Opposite Parties, nobody appears at the time of call. This matter is, therefore, decided only hearing Mr. T. Nanda, learned counsel for the Petitioners.
2. This matter involves rejection of an application U/o.1 Rule 10(2) of C.P.C. at the instance of 3rd Party.
3. Considering that the suit involved is for partition and for the opinion of this Court, unless the 3rd party interested is included, there will be likelihood of multiplicity of litigation, this Court interfering in the impugned order, sets aside the same and directs the trial court to add the 3rd party-Petitioners as defendant nos.9 to 14.
4. The newly added defendant Nos.9 to 14-Petitioners are directed to appear before the trial court along with a copy of this order on 20th June, 2022 and file their written notes of submission with service of copies thereof on the Plaintiffs as well as the co-defendants on the same date.
5. The C.M.P. stands disposed of.

6. In view of disposal of the C.M.P., the interim order passed earlier stands vacated.

(Biswanath Rath)
Judge

Ayaskanta Jena

