

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12799 of 2006

Smt. Kunjalata Mohapatra

....

Petitioner(s)

Mr. G.P. Dutta,
Advocate

-versus-

Indira Mohapatra & Ors.

....

Opposite Party(s)

Mr. R.P. Kar,
Advocate for O.Ps.2 & 3

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.10.2022**

Order No.

07.

1. This matter involves allowing of an application U/o.1 Rule 10 of C.P.C. undisputedly by the 3rd party Petitioner.

2. Learned counsel for the Petitioner submitted that the Plaintiff is the master of the suit and has all the authority to bring anybody whosoever he likes and there should not be allowing of such application contrary to the interest of the Plaintiff. It is argued that the Plaintiff has also no claim against the 3rd party.

3. Learned counsel for the contesting Opposite Parties on the other hand submitted that for the disclosures made in application U/o.1 rule 10 of C.P.C. considered in the impugned order, there have been several litigations involving the parties involving the disputed property. It is thus urged that in the event the application U/o.1 Rule 10 of C.P.C is allowed, there will be resolving of all such disputes between the parties together and not only that it will also help to avoid multiplicity of litigation.

4. Considering the rival contentions of the parties and reading through the application U/o.1 Rule 10 of C.P.C. filed at Annexure-1 (series), this Court finds, the 3rd party brings some litigation exercise with the Plaintiff. Even the application also discloses regarding pendency of a consolidation revision between the parties involving the same property. In the circumstance and looking to the controversy between the parties i.e. the plaintiff and the 3rd party, this Court finds strength in the submission of the learned counsel for the Opposite Parties and there is valid reason in allowing such application through the impugned order requiring no interference in the same.

5. For allowing of the application U/o.1 Rule 10 of C.P.C the plaintiff is directed to bring appropriate cause title at least on the date of appearance before the trial court itself i.e. on 10th November, 2022. The Plaintiffs are also directed to serve a copy of the petition on the newly added defendants on the date of appearance itself and the trial court shall grant two weeks' time for filing of written statement by the additional defendants. Further since the suit is pending since 2004, the suit is directed to be concluded within a period of nine months thereafter.

6. The writ petition is, therefore, dismissed.

(Biswanath Rath)
Judge