

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 431 OF 2022

G.S. Dibya Prakash Puhan ***Petitioner***
Mr. Samir Kumar Mishra, Advocate

-versus-

Bisweswar Mohanty and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

08.08.2022

Order No.

3. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 18th April, 2022 (Annexure-4) passed by learned Civil Judge (Senior Division), Soro in C.S. No.1032 of 2005, whereby he rejected an application filed by the Petitioner under Order I Rule 10 C.P.C. to be impleaded as party to the suit.
3. It is submitted by Mr. Mishra, learned counsel that the Petitioner is a lis-pendens purchaser of a part of the suit land. After closure of the evidence, he came to know that the suit in respect of the land purchased by him is pending for adjudication. Hence, he filed an application under Order I Rule 10 C.P.C. to be impleaded as party to the suit. The said petition was rejected vide order dated 18th April, 2022. Hence, this CMP has been filed.
4. Mr. Mishra, learned counsel for the Petitioner submits that after closure of the evidence from both the sides, the matter was posted for argument on 1st February, 2018. At that juncture, an application under Order I Rule 10 C.P.C. was filed by a 3rd party intervener (present Petitioner). It was observed by learned trial Court that the land in question was purchased in the year 2022

without obtaining any permission from the trial Court. If, at the stage of argument, the petition for intervention is allowed, it will certainly delay the matter. Hence, the petition for intervention was rejected.

5. Mr. Mishra, learned counsel for the Petitioner, on instruction, submits that in the event the prayer of the Petitioner is allowed, he shall not adduce any evidence in the suit. He will only take part in the argument of the suit in order to protect his right. Thus, there will be no difficulty on the part of learned trial Court to implead the Petitioner as a party to the suit as he is a proper party to the suit being a lis-pendens purchaser.

6. Taking into consideration the submission made by learned counsel for the Petitioner, this Court disposes of the CMP with a direction that in view of the undertaking given in Court, the Petitioner shall be impleaded as a party to the suit but, he shall not adduce any evidence in the suit and shall only take part in the argument of the suit basing upon the materials already available on record. He also shall not seek for adjournment in the suit to get prepared for argument.

7. Since the order has been passed without issuing notice to the Opposite Parties, they are at liberty to move this Court, if they feel aggrieved.

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

(K.R. Mohapatra)
Judge