

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1016 OF 2022

Subal Chandra Nayak and others* *Petitioners

Mr. Prakash Kumar Mishra, Advocate

-versus-

State of Odisha and others* *Opp. Party

Mr. B. Panigrahi,

Additional Standing Counsel

(For Opp. Party Nos.1 to 5)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 30th August, 2022 passed by learned Civil Judge (Senior Division), Khandapada in C.S. No.49 of 2018, whereby an application filed by third party intervenors under Order 1 Rule 10 read with Section 151 C.P.C. has been allowed.
3. Mr. Mishra, learned counsel for the Petitioners submits that the suit has been filed by the Petitioners to change the name of School and Anganwadi Centre from 'Rajakiari' to 'Kanasing'. The intervenors styling themselves as the villagers of Rajakiari filed an application for intervention. Although the application for intervention was filed in the year, 2018, but the matter was dragged till 2022 and ultimately, the impugned order has been passed. It is his submission that there is no village in the name of Rajakiari. As such, the application for intervention should have been dismissed at the threshold for want of *locus*

standi of the third party intervenors. Learned trial Court holding that the third party intervenors are proper parties to the suit and their presence will facilitate the Court for complete and effective adjudication of the suit allowed the same.

4. Mr. Mishra, learned counsel for the Petitioners further submits that in absence of third party intervenors, the suit can be effectively decided as the Government officials have to take a decision with regard to change of the name of the School and Anganwadi Centre. Thus, the third party intervenors are neither necessary nor proper parties to the suit. Hence, he prays for setting aside the impugned order.

5. Considering the submission made by learned counsel for the Petitioners and on perusal of the record more particularly the impugned order, it appears that the suit has been filed for change of the name of the School and Anganwadi Centre. The children of the villagers are pursuing their studies in the School as well as Anganwadi Centre. Thus, the villagers have say in the matter.

6. In view of the above, this Court finds that learned trial Court has committed no error in allowing the application for intervention. Accordingly, the CMP being devoid of any merit stands dismissed.

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

(K.R. Mohapatra)
Judge

bks