

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP NO.600 OF 2021**

***Pravakar Das & anr.***

....

***Petitioners***

Mr.S.K.Nayak, Adv.

*-versus-*

***Mahendra Das & ors.***

....

***Opposite Party(s)***

Mr.A.C.Behera, Adv.

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
15.2.2022**

**Order  
No.**

4.

1. Heard learned counsel for the Parties.
2. This Petition involves a challenge to the order passed by the Civil Judge (Jr.Divn.), Basudevpur in C.S. No.19/2013 allowing the Petition under Order 1 Rule 10 of C.P.C.
3. Considering the submission of the learned counsel for the Parties and entering into the disclosures through Annexure-4, this Court finds, there is at least prima facie bringing out of a claim in favour of the third party-Intervener. For the opinion of this Court, unless such party is added and a complete adjudication is there involving such party, there may not be effective decree going to be passed. Further in the addition of third party to the continuing proceeding, for the opinion of this Court, addition of such party will also otherwise avoid multiplicity of litigations and/or approach to the very same forum at the subsequent stages. In the circumstance

this Court finds, there is no illegality to allow such party to be added and there is attending of an effective adjudication. It is at this stage, taking into consideration the observations of the trial court in allowing the Petition under Order 1 Rule 10 of C.P.C., this Court finds, the observations are purpose of consideration of the Petition under Order 1 Rule 10 of C.P.C. and have nothing to do in the trial of the suit.

3. The CMP thus stands disposed of.

M.K.Rout

