

Rajendra Mishra Vs Ajay Singh Thakur And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 3, 2019

Acts Referred: Code Of Civil Procedure 1908 " Section 151, Order 1 Rule 10
Constitution Of India, 1950 " Article 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Swajeet Singh Ubeja, Akash Pandey

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 17/05/2019, the application filed by the petitioner/defendant No. 7 under Order 1 Rule 10 read with Section 151 of the

CPC for impleadment of parties (proposed defendants No. 8 to 38) has been rejected by learned 2 nd Civil Judge Class II, Bilaspur against which this

writ petition under Article 227 of the Constitution of India has been preferred by him.

2. Learned counsel for the petitioner/defendant No. 7 would submit that proposed defendants No. 8 to 38 are necessary parties and they ought to have

been impleaded as defendants in the civil suit in which he has filed counter claim.

3. I have heard learned counsel for the petitioner at length and perused the records thoughtfully.

4. Learned trial Court has clearly recorded a finding that proposed defendants No. 8 to 38 are not necessary parties and has assigned sufficient and

valid reasons for their non-impleadment in the civil suit, and has further held that co-defendant cannot file counter claim against another co-defendant.

The above-stated finding recorded by the trial Court is a finding of fact based on evidence available on record which is neither perverse nor contrary

to record.

5. The writ petition deserves to be and is accordingly dismissed. No cost(s).