

**(2019) 09 CHH CK 0024**

**Chhattisgarh High Court**

**Case No:** WP227 No. 672 Of 2019

Rajendra Mishra

APPELLANT

Vs

Ajay Singh Thakur And Ors

RESPONDENT

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**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

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### **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).