



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 710 of 2025

Anannya Anusuya Naik .... Petitioner

Mr. G. M. Rath, Advocate

-Versus-

Debesh Das & others .... Opposite parties

CORAM:

MR. JUSTICE R.K. PATTANAIAK

ORDER

12.05.2025

Order No.

01. 1. Heard Mr. Rath, learned counsel for the petitioner.
2. No notices are issued to the opposite parties as the matter is disposed of at the stage of admission.
3. Instant petition is filed by the petitioner challenging the correctness of the decision by order dated 27<sup>th</sup> September, 2024 as at Annexure-1 in C.S. No.42 of 2024 by learned Senior Civil Judge, Sambalpur, whereby, an application filed by him seeking impletion in terms of Order 1 Rule 10 CPC as per Annexure-5 as one of the defendants therein has been declined.
4. Mr. Rath, learned counsel for the petitioner refers to the pleading on record at Annexure-2 and the sale deed dated 12<sup>th</sup> March, 2024 at Annexure-3 to contend that the petitioner being the purchaser of the plot in question should have been impleaded him as a defendant. The further submission is that such impletion ought to have been allowed by learned court below in view of Order 1 Rule 10 (2) CPC and proviso thereto with the claim that unless the petitioner is impleaded as one of defendants like his



vendor, he would be prejudiced having purchased the suit plot on the date of institution of the suit. The further submission is that learned court below erred in facts and law denying such impletion of the petitioner on the premise that he is not a not a necessary party and having no direct interest or any nexus with the property involved and that apart, opposite party No.1 to be the dominus litis, hence, the master of the suit.

5. The copy of the plaint at Annexure-2 series is gone through. The suit is at the behest of opposite party No.1 seeking relief of right, title, interest in respect of schedule 'A' property and confirmation of possession and injunction against defendant Nos.1 to 3. The claim of the petitioner is that he has purchased the suit plot morefully described in Annexure-2 series referring to the schedule appended that a copy of RoR as at Annexure-4 reveals the alleged plot to have been purchased by the petitioner. In view of such purchase and the petitioner having been issued with the mutation RoR i.e. Annexure-4, in view of the suit instituted by opposite party No.1, such an application under Order 1 Rule 10 CPC was moved, however, it was rejected vide Annexure-1.

6. By way of a State Amendment, vide O.G.E. No.1894 dated 24<sup>th</sup> May, 2022, proviso to sub Rule 2 of Rule 10 CPC was introduced, wherein, it is stipulated that in a suit, where 3<sup>rd</sup> party interest emerges in the suit property after examination of the parties under Order 1 Rule 10(2) CPC or production of documents in terms of Order 9 Rule 14 etc., the Court shall add all such necessary or proper parties so as to avoid multiplicity of proceedings. In view of the aforesaid provision, impletion of a third party connected to a suit is to be allowed, a party which is having nexus with the property involved. In the case at hand, the



petitioner is the purchaser and claimed to be in possession of the suit property and therefore, in view of Order 1 Rule 10(2) proviso, it was for the learned court below to implead him as one of the defendants. The Court is of the view that the very intent and purport of the above provision is to avoid to multiplicity of litigations and proceedings, the aspect, which has not been duly taken cognizance of by learned court below, hence, therefore, the impugned order i.e. Annexure-1 is liable to be interfered with.

7. Accordingly, it is ordered.

8. In the result, the CMP stands allowed. As a consequence, the impugned order dated 27<sup>th</sup> September, 2024 as at Annexure-1 in I.A. No.9 of 2024 of learned Senior Civil Judge, Sambalpur arising out in C.S. No.42 of 2024 is hereby set side thereby allowing the petitioner to be impleaded as one of the defendants therein. In the circumstances, however, there is no order as to costs.

9. Urgent copy of this order be issued as per rules.

**(R.K.Pattanaik)**  
**Judge**

Rojina