

In the Court of the Sub Judge-II, Benipur

Present:- Pranav Kumar Bharti

Title Suit No.-66 of 2019, Registration No.-70/19

Ram Awtar Rai & Others vs. The State Of Bihar & Others

18-02-2022

Case is called out and record is produced before me. A wakaltan hazari is filed on behalf of the plaintiff while defendant are in attendance. Perused the case record. On call learned counsel of the plaintiff appeared in the Court and submitted that a petition U/O-I, Rule-10(2) of the Civil Procedure Code herein after referred as the C.P.C. has been filed on behalf of the plaintiff on 10.01.2022. Copy is supplied to the defendant. In this petition, it is submitted that in these days Bihar Government has merged the Special Land Acquisition Department for Koshi Yojana with the Land Acquisition Department. So the existence of the Special Land Acquisition Department for Koshi Yojana has been quenched. Further submission of the petitioner is that in the interest of justice as well as for arriving at correct conclusion of the mater, the learned Court be pleased to order for deleting the name of defendant no.-2, Special Land Acquisition Officer Koshi Yojana from the defendant column and on its place the detail below name be order to add.

Though, no rejoinder petition is filed on behalf of the defendants, yet Ld. A.G.P. verbally contended that petition filed on behalf of the plaintiff is not maintainable and the same is fit to be rejected.

Heard both the learned counsels and perused the case record. On perusal of the plaint and entire case record, it appears to the court that in this suit issues have been settled on 22.09.2021 and on 20.12.2021 P.W.-1 was examined and cross-examined and while this suit was fixed for plaintiff evidence, a petition U/O-I, Rule-10(2) of the C.P.C. was filed on behalf of the plaintiff on 10.01.2022 and after hearing same is fixed for order today.

Order-I, Rule-10(2) Court may strike out or add parties- *“The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may*

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Continued.....

appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added. "

The plaintiff is the master of the suit and he has the right to decide against whom he claims or seek his reliefs. His right and choice always prevail within the meaning of Order-I, Rule-10(2) of the C.P.C. In this suit, Defendant No.-2 is the Special Land Acquisition Officer, Koshi Yojana Darbhana who was working under Special Land Acquisition Department which has been merged into the Land Acquisition Department Bihar. In this scenario, the Land Acquisition Officer, Darbhanga seems to be a necessary party and for the effectual and complete adjudication of all the questions involved in this case/suit, his presence in the array of defendants is essential.

Considering the fact and circumstances as discussed above, the court is inclined with contention of learned counsel of the petitioner/plaintiff and the Court is of opinion that the Land Acquisition Officer, Darbhanga may be added as defendants in the suit in place of Special Land Acquisition Officer. Thus, petition dated-10.01.2022 filed on behalf of the petitioner/plaintiff is allowed. Learned counsel of the plaintiff is directed to amend the plant accordingly within fifteen days. Hence the petition dated-10.01.2022 is disposed of as accordingly. Fixing on ...14-03-22... for amendment in plaint.

Dictated

Sub Judge-II

18.02.22