

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 447 of 2007

Rajesh Kumar **Versus** Kunji Lal (dead) Through Lrs.,

09.02.2022	Mr. Neeraj Choubey, Counsel for the appellant. Mr. Tarkeshwar Nande, P. L. for the State. Mr. Hemant Gupta, Counsel for respondent No.1(A). None for respondent No.2. Learned counsel for proposed respondents would submit that respondents No.4(i) and 4(ii) namely Mahendra Nath Dubey and Hareshnath Tiwari are the purchaser of property and Will has been executed in the favour of respondent No.4(iii) and 4(iv) namely Omprakash Pandey and Virendra Pandey both S/o of Manikchand Pandey by Late Shri Kunji Lal, therefore the proposed respondents are necessary party for proper adjudication of the appeal. This application is vehemently opposed by learned counsel for respondent No.1(A) and would submit that as per the law laid down by the Hon'ble Supreme Court against the wisdom of the plaintiff, no one can be arrayed as respondent in the litigation, therefore, application kindly be rejected. I have heard learned counsel for the parties. Considering the fact that the respondents No.1(i) and 1(ii) are the purchaser of property of the suit land if they are not arrayed as party to the appeal, if any adverse order is passed, their interest will be adversely affected and it is well settled legal position that no order having any adverse effect should be passed against any person without giving him

opportunity of hearing.

Considering the basic requirement of natural justice, this Court is enclined to allow this application under Order 1 Rule 10 read with Section 151 of CPC.

Accordingly, I.A.5/2019 application under Order 1 Rule 10 is allowed.

Appellant is directed to array Mahendra Nath Dubey, Hareshnath Tiwari, Omprakash Pandey and Virendra Pandey as respondents No.4(i), 4(ii),4(iii) and 4(iv). Since Mr. Rahul Mishra, Advocate entered appearance on behalf of proposed respondents therefore, no notice is required.

List this case in the week commencing 7th March, 2022 for final disposal in motion hearing list.

On the next date of hearing no adjournment will be given to any party.

Sd/-

(Narendra Kumar Vyas)

Judge