

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

WP227 No. 887 of 2023

1. Smt. Vijay Laxmi Sharma W/o Late G.P. Sharma Aged About 85 Years R/o Dipak House, Jalvihar Colony, Tikrapara, Raipur, District : Raipur, Chhattisgarh

---- **Petitioner**

Versus

1. Gangotri Tracon Pvt. Ltd. Registered Institute Under The Registration Act, Having Its Principal Office At Malviya Road, Raipur (C.G.) Through Its Director Shyam Sunder Sharma, Son Of Dr. Brijmohan Sharma, Resident Of Malviya Road, Raipur, Tahsil And District Raipur (C.G.) (Plaintiff)
2. Smt. Pratima Pujari W/o Late Om Prakash Pujari R/o Beside Jagannath Temple, Pujari Bada, Sadar Bazar, Raipur, Tahsil And District Raipur (C.G.) (Defendant)
3. Rashi Pujari D/o Late Om Prakash Pujari R/o Beside Jagannath Temple, Pujari Bada, Sadar Bazar, Raipur, Tahsil And District Raipur (C.G.) (Defendant)
4. Ayushi Pujari D/o Late Om Prakash Pujari R/o Beside Jagannath Temple, Pujari Bada, Sadar Bazar, Raipur, Tahsil And District Raipur (C.G.) (Defendant)
5. State Of Chhattisgarh Through Collector Raipur, District Raipur (C.G.) (Defendant)

---- **Respondents**

07/11/2023	Mr. B. P. Sharma, Advocate for the petitioner. Mr. Vimlesh Bajpai, Govt. Advocate for respondent/ State. Heard on I.A. No. 1, application for grant of ad-interim relief. In the present petition, learned counsel for the petitioner would submit that an application moved under Order 1 Rule 10 read with Section 151 of CPC to implead the petitioner as one of the defendants in Civil Suit No. 54A/2013 which is pending before the learned Additional District Judge, Raipur on the ground that the property is a joint property and earlier a compromise award was

passed by the National Lok Adalat dated 11.09.2021 wherein it has held that said property is the joint property of dependents of Late Mr. Krishna Prakash Pujari. He would further submit that plaintiffs entered into an agreement to sell the suit property bearing Khasra No. 89/2 measuring 1.56 Hectares. He would further submit that the proposed defendant is necessary party in the suit and in her absence no effective decree can be passed and any decree passed against them or in the favour of plaintiffs would affect her rights.

On the other hand, learned counsel for State would oppose.

Heard.

From a perusal of the agreement to sell and the award passed by the National Lok Adalat dated 11.09.2021, it is crystal clear that said property is a joint property of the defendants no. 1 to 4 and the proposed defendant, therefore, the court below has committed error of law in rejecting the application moved by the petitioner under Order 1 Rule 10 read with Section 151 of CPC. Consequently, a strong case is made out for grant of stay. Therefore, there shall be stay of further proceedings of the Civil Suit No. 54A/2013 till the next date of hearing. Accordingly the I. A. No. 1, application for grant of ad-interim relief is hereby allowed.

Issue notice to respondents no. 1 to 4. on payment of process fee by ordinary as well as registered mode.

Call this matter on 20th of December, 2023.

Sd/-
(Rakesh Mohan Pandey)
Judge