



2025:HHC:40170

Nand Lal vs. Roshan Lal and others
CMPMO No.652 of 2024

28.11.2024 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, for the petitioner.

CMPMO No.652/2024 & CMP No.21135/2024

The impugned order, in the case at hand, has been passed on an application filed under Order 1 Rule 8 of the Civil Procedure Code. On perusal of the application filed under Order 1 Rule 8 of the Civil Procedure Code, i.e., Annexure P-3, it is evident, specifically from Paragraph-6 thereof that the plaint, in the case at hand, has been filed by the respondents on behalf of 500 other co-sharers.

The specific objection raised by learned counsel appearing on behalf of the applicant is that in terms of Order 1 Rule 8 of the Civil Procedure Code, it was incumbent upon the respondents to have supplied list of 500 people, on whose behalf, the case was being filed, as according to learned counsel appearing on behalf of the applicant, the 500 people who are co-sharers were all ascertainable.

In this respect, learned counsel for the applicant has drawn attention of this Court to the decision of the Bombay High Court in ***The Municipal Council Amravati vs. Govind Vishnu Sarnaik and others, AIR 1976 Bombay 401.***

On taking steps within three days, issue notice to the respondents, returnable for 03.01.2025.

List on **03.01.2025**. In the meanwhile, further proceedings in Civil Suit No.85 of 2024, pending before learned Civil Judge, Court No.2, Ghumarwin, District Bilaspur, H.P., shall remain stayed.

November 28, 2024 (KS)

(Bipin C. Negi)
Judge