



IN THE HIGH COURT OF ORISSA AT CUTTACK
I.A. No.60 of 2026

(Arising out of CRLMP No.922 of 2024)

An application for intervention under Order-1 Rule-10 of CPC.

Susree Subinita **Petitioner**

-versus-

- 1. State of Odisha, through
Secretary, Home Department,
Bhubaneswar**
- 2. Inspector General of Police,
CID, Crime Branch, Cuttack**
- 3. Bank of Baroda, PFS Nayapalli
Branch, Bhubaneswar**
- 4. Reserve Bank of India, Central
Fraud Monitoring Cell,
Department of Banking
Supervision, Bengaluru** **Opposite Parties**

**Advocates who have appeared in this case through Hybrid
Mode:**

For Petitioner : *Mr. D. Panda, Advocate
& Ms. Sucheta Gumansingh,
Advocate*

For Opposite Parties : *Mr. Amitabh Pradhan,
Additional Standing Counsel
(For Opposite Parties No.1 and 2)*

*Mr. K.M.H. Niamati, Advocate
(For Opposite Party No.3)*

*Mr. Parsuram Mohapatra,
Advocate (For intervenor)*

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO



J U D G M E N T

.....
Date of Hearing : 02.07.2026 & 07.07.2026

Date of Judgment : 07.07.2026
.....

Savitri Ratho, J. The CRLMP has been filed with the following prayer:-

“Under the facts, grounds and circumstances set out hereinabove, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to admit this writ application and issue Rule NISI calling upon the Opposite Parties to show cause as to why appropriate directions in respect of the investigation being carried out in FIR No. 3/2022 be not passed by this Hon’ble Court, including without limitation, a direction for a court monitored investigation or a direction appointing an SIT to investigate into the offences committed, and in the event the Opposite Parties fail to show cause show insufficient cause, the said Rule be made absolute and the investigation in FIR No. 3/2022 be either monitored by this Hon’ble Court or an SIT that is appointed by it, in such manner as is considered appropriate till a final report/chargesheet is filed as per law; and the auction proposed to be carried out



on June 25, 2024 vide notice dated May 10, 2024 be quashed;

AND

Pass such other order/orders as may be deemed appropriate in the interests of justice so as to give complete and conscionable relief to the Petitioner.

And for this act of kindness, the Petitioner shall as in duty bound ever pray.”

2. This IA has been filed by one Smt. Rekharani Panda for intervention in the present CRLMP. Reply/objection to the application has been filed by the Petitioner in the CRLMP.

SUBMISSIONS

3. I have heard Mr Parsuram Mohapatra learned counsel for the intervenor and Mr Debesh Panda learned counsel for the petitioner in the CRLMP on 02.07.2026 and today.

4. Mr Mohapatra learned counsel for the intervenor submits that the intervenor is a bona fide auction purchaser who has acquired valuable rights in respect of the scheduled property pursuant to a public e-auction by Opposite Party No.3-Bank held



on 25.06.2024, in accordance with law. He submits that pursuant to letter dated 26.06.2024 of the Bank, the intervenor has deposited the entire sale price i.e. Rs.81,03,000/- and a Sale Certificate has been issued in her favour on 23.09.2024, in respect of the scheduled property. But the possession of the property has not been handed over to her and on enquiry she learnt that on account of pendency of this CRLMP, the property has not been handed over to her. It is also stated that she has availed loan to a tune of Rs.58,96,800/- from the Bank of Baroda, which she has to repay through monthly instalments. But as the property has not been handed over to her, she is not able to utilise the property purchased by her for which it has become difficult for her repay the loan. Any order passed in the present CRLMP would directly affect the rights acquired by the intervenor who is the auction purchaser, she is therefore a proper and necessary party in this proceeding and may be added as an Opposite Party.

5. Mr. D. Panda, learned counsel for the Petitioner appears on virtual mode and submits that the third party who is the intervenor here does not have any locus standi to be arrayed as an



Opposite Party in this CRLMP. He also submits that a private party has no role in the case instituted in the FIR by the State. He ultimately submits that the I.A. has been filed under Order 1 Rule 10 of the CPC, for which it should be dismissed. He submits that there is no provision in the Cr.P.C. or in the BNSS regarding impletion of a third party in a criminal proceeding. In support of his submissions, he has relied on the decision of the Supreme Court in the cases of –

(i) P.V. Narasimharao vs. State : 1997 (42) DRJ 78. (paras 4, 5 and 6).

(ii) Sanjai Tiwari vs. State of Uttar Pradesh & Another : (2021) 15 SCC 660. (paras 12, 13, 14 and 15).

(iii) Subrata Roy Sahara vs. Pramod Kumar Saini & Others : 2022 SCC Online SC 2033. (paras 7 and 13).

6. Mr. K.M.H. Niamati, learned counsel appearing on behalf of Opposite Party No.3 – Bank submits that he has no objection if the I.A. for intervention is allowed as the intervenor is the auction purchaser and in view of order dated 20.06.2025 passed by this Court, the Bank has not taken over possession of the property and



therefore possession of the property has not been handed over to the intervenor.

7. Mr. D. Panda, learned counsel for the writ Petitioner referring to paragraphs 38 and 39 of the order dated 18.10.2023 passed by this Court in CRLMP No. 2557 of 2022, submits that in view of the fact that the Inspector-in-Charge, Mahila Police Station was not taking appropriate action in the matter and the Commissioner of Police, Bhubaneswar was directed to hand over the investigation of Bhubaneswar Mahila P.S. Case No. 03 of 2022 to the C.I.D. (Crime Branch), Odisha, Cuttack. Pursuant to such order, investigation has been taken up by the Crime Branch which is the subject matter of this CRLMP, in respect of which the CRLMP has been filed.

STATUTORY PROVISIONS

8. As the application has been filed under Order 1, Rule 10 of the C.P.C, the provision of Order 1 , Rule 10 (2) CPC as well as the provision under Chapter – VI Rule 27 of the Orissa High Court Rules under which the application should have been filed are extracted below :-



“Order I Rule-10 Suit in name of wrong plaintiff-

xxx

(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 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 that 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.”

“Chapter – VI, Rule 27

27. 1 (a) A party seeking an interim relief like stay, injunction, appointment of receiver, appointment of guardian, modification of order, analogous hearing vacation of order of stay, injunction, appointment of receiver and discharge of guardian and for another interim relief in civil cases and for release on bail, stay or any other interim relief in Criminal cases is required to file separate petition for the same. (b) All miscellaneous applications and petitions filed in the following cases, shall be registered as miscellaneous cases:-



CIVIL CASES

- 1. First Appeal*
- 2. Second Appeal*
- 3. Miscellaneous Appeal*
- 4. Civil Revision*
- 5. Civil Review*
- 6. Civil Reference*
- 7. Original Jurisdiction Cases*
- 8. Special Jurisdiction Cases*
- 9. Supreme Court Appeals*
- 10. Tax Appeals*
- 11. Company Act Cases*
- 12. Election Petition*
- 13. Admiralty Suit*
- 14. Original Suit*
- 15. Execution Cases*
- 16. Appeal against High Court Orders*

CRIMINAL CASES

- 1. Criminal Appeals*
- 2. Government Appeals*
- 3. Criminal Revision*



4. Death Reference

5. Criminal Reference

6. Matrimonial Reference

7. Original Criminal Miscellaneous (Contempt) ”

JUDICIAL PRONOUNCEMENTS

9. In the case of *P.V. Narasimharao* (Supra), the Delhi High Court has held as follows:

“4. The learned counsel has failed to show me any provision for impleadment of a party in criminal proceedings. There is no provision in the Code of Criminal Procedure analogous to Order I Rule 10 of the Code of Civil Procedure. Thus, it was in the above circumstances that even the present petition was moved under Section 482 Cr.P.C. Section 482 Criminal Procedure Code deals with inherent powers of the High Court. To my mind, the said Section would be applicable only in those discerning few cases where there is no provision to give effect to the orders passed by this Court or to prevent the abuse of the process of the Court or otherwise to secure the ends of justice. However, when there is a specific provision in the Code of Criminal



Procedure in that eventuality the provisions of Section 482 Cr.P.C. cannot be made applicable.

5. Section 301 Cr.P.C. deals with the appearance by public prosecutors. Since the above Section is very much relevant and material for the purposes of deciding the present controversy raised by the learned counsel for the applicant, it would be just and proper to examine the provisions of the said Section to clarify the situation. It is in the following words:

"(1)The Public Prosecutor or Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.

(2)If in any such case any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case".

6. It is crystal clear from the relevant provision of the law cited above that a private party has got no role to play in a case instituted by the State. In all such cases the prosecution is launched by the State and a private party



has got nothing to do in such cases. Admittedly, the proceedings in the instant case have been launched by the State through the Central Bureau of Investigation. It is true as contended by the learned counsel for the applicant that the Rashtriya Mukti Morcha was the complainant before the Division Bench in the case alluded to above. It is also true that they succeeded before the Division Bench and a direction was issued for the registration of the case, to the Central Bureau of Investigation. However, the role which the applicant assumed came to an end thereafter. Hence the applicant cannot be allowed to intervene in the instant case.”

10. In the case of ***Sanjai Tiwari*** (supra), the Supreme Court has held as follows:

“12. An application by a person who is in no way connected with the criminal proceeding or criminal trial to under Section 482 CrPC cannot ordinarily be entertained by the High Court. A criminal trial of an accused is conducted in accordance with procedure as prescribed by the Criminal Procedure Code. It is the obligation of the State and the prosecution to ensure that all criminal trials are conducted expeditiously so that justice can be delivered to the accused if found guilty. The present is not a case where prosecution or even the employer of the accused have filed an application either



before the trial court or in any other court seeking direction as prayed by Respondent 2 in his application under Section 482 CrPC.

13. With regard to locus of a third party to challenge the criminal proceedings or to seek relief in respect of criminal proceedings of the accused had been dealt with by this Court in Janata Dal v. H.S. Chowdhary. In the above case, CBI had registered FIR under the IPC as well as under the Prevention of Corruption Act, 1947 against 14 accused. On an application filed by CBI, the learned trial Judge allowing the application to the extent that a request to conduct necessary investigation and to collect necessary evidence which can be collected in Switzerland passed order on 5-2-1990 which is to the following effect:

“In the result, the application of CBI is allowed to the extent that a request to conduct the necessary investigation and to collect necessary evidence which can be collected in Switzerland and to the extent directed in this order shall be made to the competent judicial authorities of the Confederation of Switzerland through filing of the requisite/proper undertaking required by the Swiss law and assurance for reciprocity.”

14. A criminal miscellaneous application was filed by Shri H.S. Chowdhary seeking various prayers before the Special Judge which petition was dismissed by the



Special Judge. A criminal revision under Sections 397 and 482 CrPC was filed by H.S. Chowdhary in the High Court to quash the order of the Special Judge, which revision was also dismissed by the High Court. The appeals were filed in this Court by different parties challenging the said order including H.S. Chowdhary. This Court while dismissing the appeals filed by H.S. Chowdhary and others made the following observations: (Janata Dal case, SCC pp. 768-69, paras 26-28)

“26. Even if there are million questions of law to be deeply gone into and examined in a criminal case of this nature registered against specified accused persons, it is for them and them alone to raise all such questions and challenge the proceedings initiated against them at the appropriate time before the proper forum and not for third parties under the garb of public interest litigants.

27. We, in the above background of the case, after bestowing our anxious and painstaking consideration and careful thought to all aspects of the case and deeply examining the rival contentions of the parties both collectively and individually give our conclusions as follows:

1.Mr H.S. Chowdhary has no locus standi (a) to file the petition under Article 51-A as a public interest litigant praying that no letter rogatory/request be issued at the request of CBI and he be permitted to join the inquiry before the Special Court which on 5-2-1990 directed issuance of letter



rogatory/request to the competent judicial authorities of the Confederation of Switzerland; (b) to invoke the revisional jurisdiction of the High Court under Section 397 read with Section 401 of the CrPC challenging the correctness, legality or propriety of the order dated 18-8-1990 of the Special Judge and (c) to invoke the extraordinary jurisdiction of the High Court under Section 482 of the CrPC for quashing the first information report dated 22-1-1990 and all other proceedings arising therefrom on the plea of preventing the abuse of the process of the court.

28. In the result, we agree with the first part of the order dated 19-12-1990 of Mr Justice M.K. Chawla holding that Mr H.S. Chowdhary and other intervening parties have no locus standi. We, however, set aside the second part of the impugned order whereby he has taken suo motu cognizance and issued show-cause notice to the State and CBI and accordingly the show-cause notice issued by him is quashed."

15. This Court in the above case laid down that it is for the parties in the criminal case to raise all the questions and challenge the proceedings initiated against them at appropriate time before the proper forum and not for third parties under the grab of public interest litigants."

11. In the case of ***Subrata Roy Sahara*** (Supra), the Supreme Court has held as follows:



“7. In the present case, we have noticed that the High Court kept the application for grant of anticipatory bail pending and issued directions, including to issue notice to third parties to appear before the Court. That, in our opinion, is impermissible and cannot be countenanced.

13. We hold that it is not open to the High Court in exercise of powers under Section 438 Cr. P.C. to add third parties to the proceedings, as if it is invoking powers under Order 1 Rule 10 of Code of Civil Procedure much less those parties who are neither necessary nor proper parties to the application under consideration.”

12. In the case of ***Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd & Ors, (2010) 7 SCC 417***, the Supreme Court has held as follows:

“13. The general rule in regard to impleadment of parties is that the plaintiff in a suit, being dominus litis, may choose the persons against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party has no right to be impleaded against the wishes of the plaintiff. But this general rule is subject to the provisions of Order 1 Rule 10(2) of the Code of Civil Procedure ("the Code", for short), which provides for



impleadment of proper or necessary parties. The said sub-rule is extracted below:

"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 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 that 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."

14. The said provision makes it clear that a court may, at any stage of the proceedings (including suits for specific performance), either upon or even without any application, and on such terms as may appear to it to be just, direct that any of the following persons may be added as a party: (a) any person who ought to have been joined as plaintiff or defendant, but not added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the questions involved in the suit. In short, the court is given the discretion to add as a party, any person who is found to be a necessary party or proper party.



15. A "necessary party" is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a "necessary party" is not impleaded, the suit itself is liable to be dismissed. A "proper party" is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance."

13. In the case of **Amit Kumar Shaw v. Farida Khatoon**, (2005) 11 SCC 403, the Supreme Court has held as follows:

"9.The object of Order 1 Rule 10 is to discourage contests on technical pleas, and to save honest and bona fide claimants from being non-suited. The power to strike out or add parties can be exercised by the court at any stage of the proceedings. Under this rule, a person may be added as a party to a suit in the following two cases:



(1) when he ought to have been joined as plaintiff or defendant, and is not joined so, or

(2) when, without his presence, the questions in the suit cannot be completely decided.

10. The power of a court to add a party to a proceeding cannot depend solely on the question whether he has interest in the suit property. The question is whether the right of a person may be affected if he is not added as a party. Such right, however, will necessarily include an enforceable legal right."

14. In the case of *M/S J N Real Estate vs Shailendra Pradhan & Ors; 2025 INSC 611*, the Supreme Court has held as follows:-

*"24.It is limpid in the aforesaid observation that if a party is found to either a necessary or proper party, the court would have the jurisdiction to implead him, even against the wishes of the plaintiff concerned. In **Mumbai International Airport** (supra) another pertinent question that arose was whether there existed any conflict between the three-judge bench decision of this Court in **Kasturi v. Iyyamperumal**, reported in (2005) 6 SCC 733 and the decision of a two-judge bench in **Sumtibai v. Paras Finance Co. Regd. Partnership Firm Beawer (Raj.)**, reported in (2007) 10 SCC 82.*



25. In **Kasturi** (*supra*), the respondent nos. 1 and 4 to 11 respectively therein, based their claim to be added as party defendants on an independent title and possession of the contracted property. In such a backdrop, while rejecting the applications for impleadment, this Court had expounded the scope of Order I Rule 10(2) CPC and laid down certain tests for determining whether a person is a 'necessary party' for the purpose of impleadment in a suit for specific performance as follows:

(i) First, that a bare reading of Order I Rule 10(2) clearly indicates that the necessary parties in specific performance of a suit for agreement to sell, are the parties to the contract or, if they are dead, their legal representatives, as also persons who had purchased the contracted property from the vendor. A subsequent purchaser would be a necessary party since his rights would be affected irrespective of whether he had purchased the contracted property, with or without notice of the contract. However, it was clarified that a person whose claim is adverse to the claim of a vendor, is not a 'necessary party'. Therefore, two tests were laid down by this Court, which determining the question as to who is a necessary party be satisfied for determining the question as to who is a necessary party-



- (1) *there must be a right to some relief against such party in respect of the controversies involved in the proceedings;*
- (2) *no effective decree can be passed in the absence of such party. The relevant observations read as under:*

"7. In our view, a bare provision, namely, second part of Order 1 Rule 10 reading of this sub-rule (2) CPC would clearly show that the necessary parties in a suit performance of a contract for sale are the for specific parties to the contract or if they are dead, their legal representatives as also a person who had purchased the contracted property from the vendor. In equity as well as in law, the contract constitutes liabilities of the parties. A purchaser is a necessary party as he would be affected if he had regulates the purchased with or without notice of the contract, but a person who claims adversely to the claim of a vendor is, however, not a necessary party. From the above, it is now clear that two tests are to be satisfied for determining the question who is a necessary party. Tests are (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings; (2) no effective decree can be passed in the absence of such party."

(Emphasis Supplied)



(ii) Secondly, as regards the meaning of "proper party", it was observed that in case of a suit for specific performance, the guiding principle for deciding who is a proper party is that the presence of such a party is necessary to adjudicate the controversies involved in the suit for specific performance of the agreement to sell. Such a question has to be decided while keeping in mind the scope so as to of the suit for specific performance. If the addition of that party enlarges the scope of such suit convert it into a suit for title, then the presence of such a party cannot be said to be necessary for the effective adjudication of the controversies involved in the suit. The relevant observations read as under:

11. As noted hereinearlier, two tests are required to be satisfied to determine the question who is a necessary party, let us now consider who is a proper party in a suit for specific performance of a contract for sale. For deciding the question who is a proper party in a suit for specific performance the guiding principle is that the presence of such a party is necessary to adjudicate the controversies involved in the suit for specific performance of the contract for sale. Thus, the question is to be decided keeping in mind the scope of the suit. The question that is to



be decided in a suit for specific performance of the contract for sale is to the enforceability of the contract entered into between the parties to the contract. If the person seeking addition is added in such a suit, the scope of the suit for specific performance would be enlarged and it would be practically converted into a suit for title. Therefore, for effective adjudication of the controversies involved in the suit, presence of such parties cannot be said to be necessary at all. Lord Chancellor Cottenham in Tasker v. Small [(1834) 40 ER 848 3 My & Cr 63] made the following observations: (ER pp. 850-51)

'It is not disputed that, generally, bill for a specific performance of a contract to a of sale, the parties to the contract only are the proper parties; and, when the ground of the jurisdiction of Courts of Equity in suits of that kind is considered it could not properly be otherwise. The Court assumes jurisdiction in such cases, because a court of law, giving damages only for the non-performance of the contract, in many cases does not afford an adequate remedy. But, in equity, as well as at law, the contract constitutes the right, and regulates the liabilities of the parties; and the object of both proceedings



is to place the party complaining as nearly as possible in the same situation as the defendant had agreed that he should be placed in. It is obvious that persons, strangers to therefore, neither entitled to the right, nor the contract, and, subject to the liabilities which arise out of it, are as much strangers to a proceeding to enforce the execution of it as they are to a proceeding to recover damages for the breach of it.'

13. From the aforesaid discussion, it is pellucid that necessary parties are those persons in whose absence no decree can be passed by the court or that there must be a right to some relief against some party in respect of the controversy involved in the proceedings and proper parties are those whose presence before the court order to necessary in would be effectually and completely to adjudicate upon and enable the court settle all the questions involved in the suit although no relief in the suit against such person." was claimed against the person"

*"15.[...] In the case of **Vijay Pratap v. Sambhu Saran Sinha** [(1996) 10 SCC 53] this Court had taken the same view which is being taken by us in this judgment as discussed above. This Court in that decision clearly*



held that to decide the right, title and interest in the suit property of the stranger to the contract is beyond the scope of the suit for specific performance of the contract and the same cannot be turned into a regular title suit. Therefore, in our view, a third party or a stranger to the contract cannot be added so as to convert a suit of one character into a suit of different character. [...]"

(Emphasis Supplied)

(iii) Thirdly, an intervenor seeking to be impleaded must be directly and legally interested in the answers to the controversies involved in the suit for specific performance of the agreement to sell. It was held that a person is considered to be legally interested in the answers to the controversy, only if he can satisfy the court that it may lead to a result that would legally affect him. The relevant observations read as under:

"17. [-] Apart from that, the intervener must be directly and legally interested in the answers to the controversies involved in the suit for specific performance of the contract for sale. In Amon v. Raphael Tuck and Sons Ltd. [(1956) 1 All ER 273; (1956) 1 QB 357 (1956) 2 WLR 372] it has been held that a person is legally interested in the answers to the controversies only if he can satisfy the



court that it may lead to a result that will affect him legally."

(Emphasis Supplied)

15. In the case of ***Pankajbhai Rameshbhai Zalavadia Vs. Jethabhai Kalabhai Zalavadiya (deceased) through L.Rs. and Ors;*** (2017) 9 SCC 700 , the Supreme Court has held that :

“10. Order 1 Rule 10 of the CPC enables the Court to add any person as a party at any stage of the proceedings, if the person whose presence in Court is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. Avoidance of multiplicity of proceedings is also one of the objects of the said provision. Order 1 Rule 10 of the CPC, empowers the Court to substitute a party in the suit who is a wrong person with a right person. If the Court is satisfied that, the suit has been instituted through a bona fide mistake, and also that it is necessary for the determination of the real matter in controversy to substitute a party in the suit, it may direct it to be done. When the Court finds that, in the absence of the persons sought to be impleaded as a party to the suit, the controversy raised in the suit cannot be effectively and completely settled, the Court would do justice by impleading such persons. Order 1 Rule 10(2) of the CPC



gives wide discretion to the Court to deal with such a situation which may result in prejudicing the interests of the affected party if not impleaded in the suit, and where the impleadment of the said party is necessary and vital for the decision of the suit.”

ANALYSIS AND CONCLUSION

16. The provisions of the C.P.C will not be strictly applicable to a proceeding under Article 226 of the Constitution of India, which are normally governed by the Rules specifically framed by the respective High Courts. But the broad principles enunciated in the C.P.C, which are based on equity and natural justice, res judicata, review etc. have been adopted and applied by the High Courts. Similarly it is the settled position of law that procedural fetters cannot be put on the exercise of jurisdiction under Article 226 of the Constitution as that would practically strangle this jurisdiction. That apart, merely because the application has been styled as one under Order 1, Rule 10 C.P.C, it cannot be dismissed on that ground, if the petition otherwise makes out a case on facts and merit. Therefore, the application for intervention is not liable to be dismissed merely because it has been styled as an application under Order 1, Rule 10 of the C.P.C. In fact as the application should have been filed under Chapter VI, Rule 27 of the



Orissa High Court Rules which govern writ petitions, this interim application is treated as an application under the said provision, instead of permitting the intervenor to file a fresh interim application under that rule.

17. It is true that the petitioner has not claimed any relief against the intervenor in this CRLMP. But one of the prayers in this CRLMP is for quashing the auction “proposed” to be held on 25.06.2024, pursuant to the notice dated 10.05.2024, and this auction has already been held on 25.06.2024. The intervenor was the successful bidder in the auction and pursuant to letter dated 26.06.2024 of the Bank, she has deposited the entire sale price i.e. Rs.81,03,000/- after availing loan and a Sale Certificate has been issued in her favour on 23.09.2024. But in view of the order dated 20.06.2025 passed in this CRLMP and pendency of this CRLMP, she has not been given possession of the property. Therefore, without going into the question if the prayer for quashing the auction can be entertained in this CRLMP, in view of order dated 20.06.2025 passed by this Court and the pendency of this CRLMP, it would be in the interest of justice that the intervenor who is a proper party should be added as an Opposite Party in the CRLMP.



18. Admittedly the intervenor is neither claiming any relief against the petitioner nor has any relief been claimed against her. But as the decision in the CRLMP may affect her right in respect of the property purchased by her and she may have to decide her future course of action depending on the decision in this CRLMP, equity and the interest of justice demand that she should be arrayed as an Opposite Party in this CRLMP.

19. The principles laid down in the decisions relied on by the learned counsel for the petitioner do not prohibit, impleading of the intervenor as an Opposite Party in this CRLMP. On the other hand after going through the decisions referred to above, this Court feels that the intervenor is a proper party in this CRLMP.

20. The prayer for intervention is therefore allowed.

21. The intervenor is added as Opposite Party No.5 in the CRLMP. The Registry to make necessary correction in the cause title.

22. In view of the facts of the case and as no relief is claimed against the intervenor, there is no necessity for the intervenor to file any counter affidavit in this case as the main lis pertains to the grievance of the Petitioner regarding investigation in the case .



23. The I.A. is accordingly disposed of.

CRLMP No.922 of 2024

24. As agreed between the learned counsel for the parties, list this case on 05.08.2026.

25. Mr. Amitabh Pradhan, learned Additional Standing Counsel is directed to call for a status report regarding investigation in CID, CB. P.S. Case No. 17 of 2023, before the next date for perusal of the Court.

(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated, the 7th July, 2026/RKS

Signature Not Verified

Digitally Signed
Signed by: RANJAN KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 04-Aug-2026 19:34:29