



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1228 of 2025

Gouramohan Sahu

..... Petitioner

Mr. M. Mohanty, Advocate

-versus-

Smt. Indumati Sahu and others

..... Opposite Parties

Mr. A. Mishra, Advocate for O.P. Nos.1 to 6

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

18.12.2025

Order No.

06.

1. Heard Mr. M. Mohanty, learned counsel for the Petitioner and Mr. A. Mishra, learned counsel for the Opposite Parties 1 to 6.

2. Present C.M.P. is directed against the impugned order dated 19.03.2025 of learned Civil Judge (Sr. Divn.), Balasore passed in F.D. No.41 of 2022 (C.S. No.219 of 2016), wherein the prayer of the Petitioner to be a party in the final decree proceeding has been refused.

3. It is contended on behalf of the Petitioner that though he has no claim over the suit land, but he is another purchaser of a portion of the same plot out of which the suit land consists of. Therefore, there may not be any hindrance on the part of the court to add present Petitioner at the final decree stage in order to avail the decree of partition as prayed by the Plaintiffs.

4. Such prayer made on behalf of the Petitioner is not found convincing. It is for the reason that admittedly he has no interest

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in the suit land. But for the only reason that he has purchased part of the same plot, out of which the suit land forms another portion, the same cannot be treated as any interest in favour of the Petitioner vis-à-vis the interest of the Plaintiffs in the suit. It is well settled that at the stage of final decree, a party having interest in the suit property may be added as a party. But here in the present case, no interest of the Petitioner is seen in respect of the suit property and therefore he cannot claim to be a necessary or proper party to the suit at the stage of final decree proceeding.

5. As such, no merit is seen in the challenge of the Petitioner and the C.M.P. is dismissed.

6. However, as prayed by the Petitioner, he is at liberty to approach the competent court in a separate suit.

(B.P. Routray)
Judge

B.K. Barik