



ORISSA HIGH COURT : CUTTACK

CMP No.1497 of 2024

An application under Article 227 of the Constitution of India.

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Prasanta Kumar Rana & Others

...

Petitioners.

-VERSUS-

Gopinath Rana & Others

...

Opposite Parties.

Counsel appeared for the parties:

For the Petitioners : Mr. Sukanta Kumar Nayak, Advocate.

For the Opposite Parties : Mr. S.K. Pattanaik, Advocate.
(For the Opp. Party Nos.1 to 3)

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing : 16.04.2026 :: Date of Judgment :16.04.2026



JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This Civil Misc. Petition under article 227 of the Constitution of India, 1950 has been filed by the petitioners praying for quashing the impugned order of rejection to the petition under Order 1, Rule 10 of the CPC, 1908 filed by the petitioners on dated 04.12.2024 (Annexure-6) by the learned Civil Judge, (Jr. Division), Bhadrak in C.S. No.239/2024.

2. The suit vide C.S. No.239/2024 was a suit for partition simpliciter. In that suit vide C.S. No.239/2024 for partition, the petitioners filed an application on dated 18.11.2024 praying for their impleadment as defendants claiming that, they have interest in respect of Ac.0.01 dismissal in suit plot No.2354, to which, the plaintiffs in that suit objected.

After hearing from both the sides, the learned Civil Judge, (Jr. Division), Bhadrak rejected to such petition under Order 1, Rule 10 of the CPC, 1908 of the third party intervenors (petitioners in this CMP) on dated 04.12.2024 assigning the reasons that,



“the right of the petitioners in respect of the properties claimed by them has already been decided in the earlier suit between them in the previous suit vide C.S. No.93/1996, for which, they cannot be impleaded as parties in the present suit for partition.”

3. On being aggrieved with the impugned order dated 04.12.2024 passed in C.S. No.239/2024, the third party intervenors filed this CMP under Article 227 of the Constitution of India, 1950 being the petitioners against the plaintiffs in C.S. No.239/2024 arraying them as Opp. Parties praying for setting aside that impugned order.

4. I have already heard from the learned counsel for the petitioners and the learned counsel for the Opp. Parties.

5. The suit vide C.S. No.239/2024, in which the third party intervenors had prayed for their impleadment as defendants is a suit for partition simpliciter.

In case, the petitioners shall be allowed to be impleaded as parties in that suit vide C.S. No.239/2024, the said suit for partition simpliciter shall be converted to a multifarious nature of suit, because, the third party intervenors are



claiming their interest in respect of Ac.0.01 decimals in suit plot No.2354.

6. So, in order to avoid the conversion of the suit vide C.S. No.239/2024 from a suit for partition simpliciter to a multifarious nature of suit, the interest of justice shall bestly be served, if the CMP filed by the petitioners shall be disallowed giving liberty to the petitioners to file a separate suit claiming their right if any in suit plot No.2354.

7. Therefore, there is no justification under law to allow this CMP.

8. Hence, this CMP filed by the petitioners is dismissed and disposed of finally giving liberty to the petitioners to file a separate and independent suit claiming their interest in suit plot No.2354 under Khata No.590 in Mouza-Khandatara of Bhadrak Sadar Police Station in the District of Bhadrak.

9. As such, this CMP filed by the petitioner is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

*High Court of Orissa, Cuttack
The 16.04.2026// Rati Ranjan Nayak
Sr. Stenographer*