

Sanat Kumar Shukla Vs. Narendra Kumar Shukla

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Court : Madhya Pradesh

Decided On : Sep-10-2012

Appellant : Sanat Kumar Shukla

Respondent : Narendra Kumar Shukla

Advocate for Pet/Ap. : Shri. J.N.Tripathi

Judgement :

W.P.No.13491 o

10. 09.2012 Shri J.N.Tripathi, learned counsel for the petitioners. He is heard on the question of admission.

The petitioners - defendant Nos.1 to 4 have filed this petition under Article 227 of the Constitution of India for quashment of the order dated 25.6.2012, (Ann.

P-5) passed by the Civil Judge, Class-II Anuppur in C.S.No.51-A/2011 whereby allowing the application of the respondent Nos.1 to 4- the plaintiffs filed under Order 1 Rule 10, r/w Order 6, Rule 17, r/w Section 151 of the CPC, they have been permitted to implead the respondent Nos.10 to 31 as defendant Nos.10 to 31 in the impugned suit.

It is apparent fact on record that the aforesaid application, (Ann.

P-3) was filed on behalf of respondent Nos.1 to 4 - plaintiffs in the light of objections taken by the present petitioners in their written statements that in the absence of such proposed persons the impugned suit of the respondent Nos.1 to 4 could not be entertained and decided on merits and the same deserves to be dismissed on account of not joinder of the necessary parties.

In the couRs.of arguments in view of law laid down by the full bench of this court in the matter of Panna and another versus Jeewanlal and another reported in 1976 J.L.J.84 holding that who are the necessary and formal party of the civil suit and in the absence of such parties, whether the suit could be effectively adjudicated or not and also in the light of law laid down by the Apex Court in the matter of A.K.Gupta and Sons LTD.versus Damodar Vally Corporation reported in AIR 196.SC, 96 holding that on the basis of existing pleadings if some additional pleadings as an additional approach by way of an amendment application is proposed by the party or such an application is preferred on the basis of any subsequent event which has come into existence in pendency of the suit, then such amendment should be allowed, on making some query from the petitioneRs.counsel on which instead to argue further he seeks permission to withdraw this petition as not pressed with liberty to raise all the grounds and the objections stated in the petition subject to final judgment or decree of the trial court on arising the occasion in duly constituted regular appeal.

The petition is dismissed as withdrawn and not pressed with liberty, aforesaid.

C c as per rules.

(U.C.Maheshwari) Judge bks

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