

Noting by Officer or Advocate	Serial No	Date	Office notes, reports, orders or Proceedings with signature
			<p style="text-align: center;">BEFORE THE HON'BLE MR. JUSTICE S. TALAPATRA</p> <p>Smt. Gandhashi Bala @ Gandhani Mala Jamatia Petitioner</p> <p style="text-align: center;">– Vs –</p> <p>The District Magistrate & Collector, Gomati District & Others Respondents</p> <p>For the petitioner : Mr. A. Bhowmik, Advocate</p> <p>For the respondents : None.</p> <p style="text-align: center;">B E F O R E THE HON'BLE MR. JUSTICE S. TALAPATRA</p> <p><u>30.06.2017</u></p> <p>Heard Mr. A. Bhowmik, learned counsel appearing for the petitioner.</p> <p>This is a petition filed under Article 227 of the Constitution of India challenging the order dated 25.02.2017 passed in Misc. 05 of 2017 by the Civil Judge, Senior Division, Gomati Judicial District, Udaipur whereby the respondents No.3 to 8 have been added as the defendants No.3 to 8 in the suit being TS No.23 of 2016 pending in that court.</p> <p>Mr. Bhowmik, learned counsel for the petitioners has submitted that those respondents are not at all necessary parties as they are not in any way related to cause of the suit.</p> <p>This court has appreciated the order dated 25.02.2017, where the following observation has been made:</p> <p style="text-align: center;">"In the petition it is alleged by the petitioners that they are the interested parties in the original suit as their interests are involved in the suit land</p>

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			<p>mentioned in the Schedule of the plaint pertaining to Khatian No.392. It is also pleaded that the petitioners are in the possession of the suit property and so, in absence of them the suit cannot proceed. Hence, the present petitioners are required to be impleaded as the defendants in the original suit.</p> <p>On the other hand, the plaintiff-opposite parties by filing written objection contended that the present petitioners have no right, title and interest over the suit property and the Khatian No.392 is clear about the fact that the plaintiff-opposite parties are the real owners and possessors of the suit property. Thus, the instant petition should be dismissed.</p> <p>In support of the contentions of the petitioners they submitted various documents including the Inquiry Report of the Deputy Collector and Magistrate, Killa, Gomati District.</p> <p>Said Report speaks that the land measuring 5.40 acres under the Khatian No.392 having Plot No.2489, i.e., the suit land of this suit was allotted in favour of the predecessor of the plaintiff-opposite party, namely, Gandhashi Bala Jamatia. But the same land was under the possession of the applicants, i.e., the present petitioners and the villagers of Dewanbari jointly.</p> <p>So, such Inquiry Report of the Deputy Collector and Magistrate, Killa, Gomati District is supporting the contention of the petitioners available in the Paragraph No.A of the petition.</p> <p>Thus, prima facie it appears that the present petitioners have interest in the suit land and so, in absence of them it will not be possible as well as proper to decide the original suit on merit.”</p> <p>Having regard to this observation, this court does not find any merit in this petition.</p> <p>Accordingly, the same is dismissed.</p> <p>No order as to costs.</p> <p>JUDGE</p>