

Bhagwat Prasad **Versus** Bednath

22.09.2023	<p>Mr. V.K. Pandey, counsel for the petitioner/s.</p> <p>Mr. Jitendra Shukla, Panel Lawyer for the State/respondent No.7.</p> <p>Heard on I.A. No.1, application for grant of interim relief.</p> <p>Learned counsel for the petitioner/plaintiff would submit that though an application under Order 1 Rule 10 of the CPC was moved implead subsequent purchaser but learned Trial Court has rejected the application on the ground that according to provision of Section 52 of the Transfer of the Property Act, the petitioner/plaintiff may claim right over the such property.</p> <p>On the other hand, learned counsel for the State would oppose.</p> <p>Taking into consideration the fact that the petitioner/plaintiff is a <i>dominus litis</i> and he wishes to implead the subsequent purchaser, therefore, learned Trial Court ought to have allowed the application under Order 1 Rule 10 of the CPC.</p> <p>Taking into consideration the above aspect of the matter, there shall be stay of further proceeding of Civil Suit No.64-A of 2018 pending before the learned Second Civil Judge, Class-1, Janjgir-Champa, District Janjgir-Champa (C.G.) till the next date of hearing.</p> <p>Issue notice to respondents No.1 to 6 and 8 to 29 on payment of P.F. by ordinary as well as registered mode.</p> <p>Post this matter in the <b>first week of November, 2023</b> for final disposal at motion stage.</p> <p style="text-align: right;">Sd/- <b>(Rakesh Mohan Pandey)</b> Judge</p>