



2022:JHHC:43154

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 529 of 2022

Satya Prakash Singh

.... .. Petitioner(s)

Versus

1.M/s Bharat Coking Coal Limited through
its Chairman-cum-Managing Director, Dhanbad.

2.The General Manager, Govindpur Area No.III,
Dhanbad.

3.The General Manager (Estate), BCCL,
Koyala Bhawan, Saraidhela, Dhanbad.

.. ...Opp. Party(s)

.....
CORAM : HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

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For the Petitioner(s) : Mr. Sanjay Prasad, Advocate

For the Opp. Party(s) /
BCCL : Mr. Amit Kr. Das, APP

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04/23.12.2022. The instant CMP has been filed for quashing of the order dated 14.03.2022 passed by learned Civil Judge (Sr. Division)-III, Dhanbad in MCA No.449 of 2018 (arising out of Original Suit No.353 of 2015) whereby and whereunder the petition under Order I Rule 10 CPC has been rejected.

The petitioner is the plaintiff who filed the said suit impleading BCCL as party for the relief for declaration of title, confirmation of possession and for permanent injunction over the suit land detailed in Schedule-A of the plaint. It is the case of the plaintiff that the suit land comprising a total area of 23.63 acres belonged to Aditya Narayan Singh who acquired title by registered patta deed no. 4323 dated 18.5.1943. The plaintiff is the grandson of Aditya Narayan Singh and he has acquired title over the suit land by inheritance. During the pendency of the suit it was discovered by the petitioner that there were a number of persons who were claiming the suit land by virtue of registered sale deeds and the petition after obtaining the details of such persons filed the petition for impleading them as parties which has been rejected, hence the instant petition.

The petition has been rejected inter-alia on the ground that the petition was filed after an inordinate delay of six years.

It is argued on behalf of the petitioner that the persons sought to be impleaded are necessary parties to the suit and their impleadment is necessary for the ends of justice.

Learned counsel appearing for the BCCL has opposed the instant CMP. It is submitted that the plaintiff/petitioner seeks to implead about 28 persons who claim title on the basis of registered sale-deed, but no relief has been



prayed for cancellation of the sale-deed. It is also argued that the plaintiff does not have a valid title which is based only on a settlement deed. 2022:JHHC:43154

The purpose of this provision is to bring before the Court at the same time, all persons interested in the dispute so that the dispute may be finally determined at the same time in the presence of all the parties without the delay, inconvenience and expenses of several actions and trials and inconclusive adjudications. A party may be impleaded in a declaratory suit for title as defendant if any act on the part of the defendant has brought a cloud on the title or possession of the plaintiff. The threat needs to be an imminent to the possession of the plaintiff and not merely an imaginary threat. On bare perusal of the plaint it is apparent that there is no reference to the parties sought to be impleaded in the suit. The plaint does not disclose pleading as to how the parties are necessary party to the suit.

I do not find any infirmity in the impugned order.

Civil miscellaneous petition stands dismissed.

(Gautam Kumar Choudhary, J.)

Sandeep/