

IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL
MIZORAM

Declaratory Suit No.13/2009

Lalpara,
S/o R.Hranga (L),
Chanmari, Aizawl.

.....Plaintiff.

-Versus-

Shri J.Lalmangaiha,
S/o Kaphleia,
R/o Champhai Vengthlang, Champhai,
Mizoram & 2 others.

.....Defendant.

BEFORE

R.VANLALENA, Senior Civil Judge-2

For the Plaintiff : Shri W.Sam Joseph, Advocate.
For the Defendants: Shri C.Lalramzauva & ors, Advocates.
Date of Judgement: 30.4.2012.

JUDGEMENT AND ORDER

30.4.2012

Case record put up on being already fixed for final decision as the suit had been heard in presence of both parties on the issues of maintainability of the suit.

This court has come to a conclusion to not maintain the instant suit on the grounds that (1) the mandatory provision u/s 80 CPC 1908 has not been complied with by the plaintiff in the instant case. As the defendants No.2&3 are the public officers under the Government of Mizoram, Notice u/s 80 CPC has to be served upon them to institute a suit against them.

(2) Since the State of Mizoram, is a necessary party in the instant suit, it has to be impleaded it as of the defendants. However, the plaintiff failed to implead the necessary party in the instant suit for which reason, the suit is not maintain.

On the grounds aforementioned, the instant suit stands dismissed and disposed of accordingly.

Given under my hand and seal of this court on this 30th April, 2012.

Sd/-R.VANLALENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No. /SCJ-I I(A)/2012: Dated Aizawl the, 30th April,2012.

Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram for information.
2. Lalpara S/o R.Hranga (L), Chanmari, Aizawl through counsel Shri W.Sam Joseph & ors.
3. J.Lalmangaiha S/o Kaphleia R/o Champhai Vengthlang, Champhai, Mizoram through counsel Shri C.lalramzauva & ors.
4. The Director, Transport Deptt. Govt. of Mizoram through Asst. Govt. Advocate.
5. District Transport Officer, Transport Deptt. Champhai, Mizoram through Asst. Govt.Advocate.
6. Registry Section.
7. Case record.

