

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16435 of 2014**

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Mina Singh Wife of Sri Chandan Kumar Singh Resident of Village -  
Shivpuri behind Bal Bharti School, Purnea, P.S. - Maranga, District -  
Purnea. **-Intervener/Petitioner.**

Versus

1. Arvind Sur  
2. Arunan Sur Both are sons of Late Bishnu Prasana Sur Resident of  
Mohalla - Bhatta Durga Bari, P.S. - Khaza Chihat, District - Purnea.

**-Plaintiffs/Respondents 1<sup>st</sup> Set.**

Versus

1. Lakhan Das Son of Mantu Das  
2. Juli Devi  
3. Putul Devi  
4. Pucho Devi  
5. Lakhiya Devi All are daughters of Late Motsan Das All are residents of  
Mohalla - Madho Para, P.S. - Khazan Chihat, District - Purnea.

**-Defendants 1<sup>st</sup> set/Respondents 2<sup>nd</sup> set.**

1. Indrabati Devi wife of Late Mohinder Das  
2. Ashok Das  
3. Manoj Das both are sons of Late Mohinder Das  
4. Renu Devi  
5. Khusbu Kumari  
6. Kanchan Kumari  
7. Puran Devi All are daughters of Late Mohinder Das All are residents of  
Mohalla - Tatma Toli, Shiv Mandir Road, P.S. - K. Hat, District - Purnea.  
8. Shiv Narayan Yadav Son of Late Dhuni Lal Yadav Resident of Mohalla -  
Bhatta Tatma Toli, P.S. - Khazan Chihat, District - Purnea.

**-Defendant 2<sup>nd</sup> set/Respondents 3<sup>rd</sup> set.**

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Prasad Singh  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL ORDER**

2      12-02-2015                      Heard Mr Jitendra Prasad Singh, the learned  
  
counsel for the petitioner on the point of admission as well  
  
alongwith the interlocutory application (I.A.No.886/2015).

Calling in question the rejection of the prayer by  
  
the petitioner for impleadment as party-defendant in the suit, this

application under Article 227 of the Constitution of India has been filed.

The learned counsel for the petitioner has strenuously submitted that the petitioner has entered into an agreement for sale-purchase with the defendant with regard to the suit land and has paid the entire consideration money to the defendant prior to the filing of the suit. The learned counsel has further also submitted that a suit for specific performance of contract has been filed by the present petitioner against the defendant, praying for execution of the sale deed in pursuance to the agreement for sale and the said suit is still pending. It has, therefore, been submitted that if the petitioner would not be impleaded as party the same will cause prejudice to her title, which she may acquire after the decree passed in the suit for specific performance of contract.

The learned court below has taken into notice the aforesaid facts and thereafter has come to the finding that the petitioner has got at present no right, title and interest in the suit land. It is well settled that an agreement for sale in immovable property will not amount to transfer of the title which can be done only by a registered deed of transfer in accordance with law.

After considering the facts and the submissions,  
this Court is not persuaded to interfere in the impugned order.

The writ application is, accordingly, dismissed.

**(V. Nath, J)**

Nitesh/-

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