

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19965 of 2010

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1. Ahsan Ahmad S/O Late Hafiz Abdul Jabbar R/O Vill.- Quashe Ahar,
Tajpur, P.S.- Tajpur, Distt.- Samastipur.

.... Petitioner/s

Versus

1. Md. Khurshid Alam S/O Md. Hafiz
2. Md. Mahtab Alam S/O Md. Hafiz
Both residents of Vill.-P.S....., Distt.....
3. Jaki Ahmad
4. Rafi Ahmad
Both sons of Hazi Imran Ahmad R/O Vill.- Tajpur, P.S.- Tajpur, Distt.-
Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 10-08-2015 The petitioner is aggrieved by the order dated 8.7.2010 passed by the Additional District Judge F.T.C.-IV, Samastipur in T.A. No. 68 of 1993 whereby the respondents were allowed to be impleaded as respondents of the appeal on the ground that they are purchasers of the suit land from Md. Khursheed Alam and Md. Mahtab Alam, both sons of Late Hafiz by sale deeds executed in the year 2006. The Court found as under in the impugned order:

“Having heard the submission of both the side and on perusal of the record it appears that originally the suit was filed for a decree for permanent injunctions which was decreed on contest in favour of the vendors of the petitioner against which the present appeal is pending on behalf of the petitioners ruling reported in 1997(2) PLJR 847 has been relied upon in which the Hon'ble Court Patna has ruled that since the purchaser have acquired interest in the suit property and they have interest therein and the

appeal is continuation of the suit.

Thus in view of the aforesaid ruling and having found that no prejudice is going to be caused by adding the petitioners as respondents of the appeal to the appellant. The doctrine of his pendency of course, will apply by the final decision of the appeal, but at this stage, I do not find any impediment to allow the petitioners to be added as respondents in the interest of justice to represent and protect his interest. Hence the petition dt. 21.6.10 is allowed on contest.”

This Court does not find legal infirmity in the said order

meriting interference.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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