

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17244 of 2012

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1. Ram Ekbal Rai S/O Ramashray Rai Resident Of Village- Bhagbatipur, Anghatta, P.S And District- Sitamarhi.

.... Petitioner/s

Versus

1. The State Of Bihar, Through Collector
2. Laxmi Thakur S/O Ram Dayal Thakur Resident Of Village Bhagbatipur Anghatta, P.S And Distt- Sitamarhi.
3. Raghunath Thakur S/O Ram Ayodhi Thakur Resident Of Village- Bhagbatipur, Anghatta, P.S And District- Sitamarhi.
4. Manoj Thakur S/O Raghunath Thakur Resident Of Village- Bhagbatipur, Anghatta, P.S And District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Respondent/s : Mr. Prahlad Kr. Bhagat Gp13

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 10-12-2015

Heard learned counsel for the petitioner as well

as learned counsel for the respondents.

The status of petitioner having hit by lis pendence on account of purchase of the disputed land during pendency of instant suit is accusable. Simple prayer has been made on behalf of the petitioner that after executing sale deed his vendor left to do proper pairvi in the suit and on account thereof his right,if remains undefended, will cause prejudice to him .

At the other end the learned counsel for the respondents submitted that petitioner knowingly and intentionally purchased the litigation so he could not be allowed to be

impleaded as party in terms of Order 1 Rule 10 of the C.P.C. as he does not happen to be a necessary party.

Transaction, unless prohibited, is not forbidden and that being so, the defendant who executed sale deed in favour of petitioner was quite competent but the status of the petitioner is acknowledgeable in terms of right so decided by the court relating to his vendor. That means to say whatever right is found duly ascertained by the court, relating to his vendor is to be inherited by the petitioner. Further more, as has been submitted on behalf of the respondent plaintiff that vendor of the petitioner had already appeared and filed his written statement, therefore, petitioner will not be allowed to plead contrary to whatever had been pleaded by his vendor.

With the aforesaid abstraction, the order impugned is set aside. Petition is allowed.

(Aditya Kumar Trivedi, J)

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