

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1216 of 2016**

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Rakesh Kumar Sinha

.... Appellant/s

Versus

Ramchandra Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 25-11-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 24.08.2016 passed by Subordinate Judge-II, Aurangabad in Title Suit No.221 of 2003/CIS No.18 of 2015.

From perusal of the impugned order, it appears that the court below has allowed the amendment application filed by the plaintiff-respondent for amendment of the plaint whereby the purchaser has been added as party in the suit. It appears that the court below has considered that the suit was decreed ex-parte earlier which was set aside in the miscellaneous case filed by the defendants and thereafter the amendment application was filed on the ground that the defendants have taken plea that they have sold the property to the petitioner-purchaser. Admittedly the petitioner's purchased property is also the subject matter of the suit. Now, therefore, the petitioner is necessary party in the suit.

Thus, the court below has allowed the application filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure, as such in no case it can be said that any prejudice is caused to the petitioner.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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