

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14747 of 2013**

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1. Chhathu Singh Son Of Late Radha Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  2. Ashok Singh Son Of Late Ramprit Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
- .... .... Petitioners

Versus

1. Mostt. Marchhia Wife Of Late Manshi Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  2. Harish Chandra Singh Son Of Late Manshi Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  3. Lal Babu Singh Son Of Late Bauk Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  4. Girjesh Singh Son Of Late Bauk Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  5. Ram Kisun Singh Son Of Late Utim Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  6. Ram Kashtri Singh Son Of Late Raghuraj Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
  7. Smt. Basanti Devi W/O Chowalal Pd. And Daughter Of Late Raj Banshi Prasad Resident Of Mohalla- Narkatiaganj (Bhitha Bazar), P.S.- Shikarpur, District- West Champaran
  8. Kanhaiya Prasad Son Of Late Raj Banshi Prasad Resident Of Village- Mangalpur, West Champaran
  9. Dwarika Pd. Singh Son Of Late Raghuraj Singh Resident Of Village- Mangalpur Gudaria, P.S.- Nautan, District- West Champaran
- .... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava  
For the Respondent/s : Mr.

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

2      09-12-2016      Heard Mr. Satya Pal Singh, learned Counsel appearing for the petitioners.

By the impugned order the learned court below has impleaded respondent No. 9 as intervenor-defendant in the suit. The suit has been filed for partition after setting aside the sale deed dated 18.4.1946. The intervenor-defendant has filed the petition claiming that the said sale deed dated 18.4.1946 was obtained by his father in the name of one of his sons and, therefore, his interest is also involved while adjudicating validity of the said sale deed.



Mr. Singh, learned Counsel appearing for the petitioners, has contended that the purchaser in the sale deed is already party in the suit and contesting the same and the learned Court below has not exercised its jurisdiction properly in allowing the prayer of the intervenor-defendant to become a party.

After considering the submission and materials on record, the fact is apparent that the intervenor defendant-respondent No. 9 has claimed that the sale deed dated 18.4.1946 has been obtained by his father in the name of one of his sons. The main relief in the suit is with regard to setting aside the said sale deed. In that view of the matter, this Court is not persuaded to hold that the learned court below has wrongly exercised its jurisdiction in allowing the prayer of respondent No. 9 to be impleaded as intervenor-defendant.

The learned Counsel for the petitioner has also submitted that the prayer by respondent No. 9 has been made for the purpose of delaying the disposal of the suit. This Court is not in agreement to the submission as the same cannot be a ground for refusing the prayer for impleadment as party in the suit.

This application is accordingly dismissed.

However, the learned court below is directed to expedite the disposal of the suit.

**(V. Nath, J.)**

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