

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10193 of 2014

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Sunita Singh wife of Bhushan Kumar Singh resident of Ward No. 12, Saharsa Municipality Police Station and District Saharsa. Petitioner/s

Versus

1. Nirmala Kumari wife of Ram Prasad Yadav
 2. Navin Mandal
 3. Vishwa Mohan Mandal sons of late Shivnandan Mandal.
 4. Saroj Mandal son of late Mohit Mandal
 5. Sunita Rai wife of late Pramod Kumar Mandal All resident of Mouza Saharsa, Ward no. 6/12, Saharsa, Municipality at AND P.S. Saharsa Distt. Saharsa.
 6. The State of Bihar through the Collector, Saharsa P.S. and Distt. Saharsa
 7. Vijay Bahadur Singh son of late Ram Kishun Singh
 8. Sudhir Singh
 9. Manoj Singh sons of late Devbrat Singh Respondent Nos. 7,8 and 9 are all resident of Saharsa, Ward no. 6/12, Saharsa Municipality Police Station and District Saharsa.
 10. Bhushan Kumar Singh son of late Jagarnath Singh resident of ward no. 12 Saharsa, Municipality P.S. AND Distt. Saharsa. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha No.-2, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 21-06-2016

Heard learned counsel for the petitioner.

Questioning the legal acceptability of the impugned order by which the learned court below has turned down the prayer of the petitioner for being impleaded as a party in the suit filed by the plaintiff-respondents, the present application under Article 227 of the Constitution of India has been filed.



It appears from the records as well as submissions on behalf of the petitioner that earlier both the petitioner as well as the plaintiff-respondents approached the court of Deputy Collector Land Reforms under the provisions of The Bihar Land Disputes Resolution Act, 2009 for redressal of their grievances. However, the respective cases of the petitioner and the plaintiff-respondents were disposed of by the said authority with observation that the parties would be at liberty to get their right, title and interest over the land claimed by them declared by the competent civil court. The plaintiff-respondents accordingly filed their title suit praying for declaration of their title over the suit land. In the said suit, the plaintiff-respondents impleaded only the State of Bihar as defendant. During the pendency of the said suit, a petition was filed by the present petitioner praying to be impleaded as a party therein under Order 1 Rule 10 (2) C.P.C. The learned court below, after considering the facts and circumstances of the case as well as materials on record produced before it, has rejected the said petition.

After considering the submissions on behalf of the petitioner and the materials on record, it is evident that the plaintiffs have not impleaded the present petitioner as party defendant in the suit and, therefore, the decree or order to be passed in the suit filed by the plaintiffs would not be binding upon the petitioner. It has also not

been shown as to how the present legal status of the petitioner with regard to the property claimed by her would be affected in any manner by the decision/order which may be passed in the said suit.

It is well settled that the provision of Order 1 Rule 10 (2) C.P.C. cannot be invoked by a person for espousing his own cause of action in the suit filed by another person. In the present case, the petitioner has come before the court with her own cause of action with regard to the land claimed by her. The learned court below has considered the facts and materials and rightly has come to the conclusion that the petitioner's prayer to be impleaded as a party cannot be allowed.

This Court has not been persuaded to find any error of jurisdiction or material irregularity in the impugned order. The present application is, accordingly, dismissed. However, the present order shall not prejudice the right, title and interest of the petitioner over the land claimed by her and the petitioner shall be at liberty to take appropriate steps in accordance with law for redressal of her grievances, if such occasion arises.

Devendra/-

(V. Nath, J)

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