

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16276 of 2015

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Naushad Alam

.... Petitioner/s

Versus

Nand Lal Bhuwania & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Roy

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-06-2016

Heard learned Senior counsel, Mr. Mahesh Narayan

Parbat, appearing for the petitioner.

2. By the impugned order dated 20.06.2014, the learned Sub-Judge-I, Purnea in T.S. No. 86 of 2001 allowed the intervention application filed by the respondent Nos. 15 to 32 on the ground that they are the purchasers of part of the suit properties during the pendency of the suit.

3. The Hon'ble Supreme Court in the case of ***Amit Kumar Shaw Versus Farida Khatoon***, reported in ***AIR 2005 SC 2209*** has held that a transferee *pendente lite* to the extent he has acquired interest from the defendant is vitally interested in the litigation, whether the transfer is of the entire interest of the defendant, the latter having no more interest in the property may not properly defend the suit. He may collude with the plaintiff. Hence, though the plaintiff is under no obligation to make a *lis*

pendens transferee a party, under Order XXII Rule 10 an alienee *pendente lite* may be joined as party, the Court has discretion in the matter which must be judicially exercised and an alienee would ordinarily be joined as a party to enable him to protect his interests.

4. In view of the above settled principles of law, the court below has rightly allowed the application. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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