

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18473 of 2011

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Chandra Mohan Singh, son of Late Rajeshwar Prasad Singh, resident of village-
Rampur Keso, P.O. Rampur, P.S. Singheshwar, District Madhepura.

.... Petitioner.

Versus

1. Kamleshwari Yadav, son of Late Dwarika Yadav.
2. Raghunandan Yadav, son of Late Dwarika Yadav.
3. Mahendra Yadav, son of Late Bhuwadeshwari Yadav.
4. Yogendra Yadav, son of Late Bhuwadeshwari Yadav.

1 to 4 are resident of village- Gamahariya, P.S. Gamahariya, District
Madhepura.

.....Plaintiffs-Respondent Ist Set.

5. Kailash Yadav, son of Late Mahabir Yadav.
6. Lalita Devi wife of Birendra Yadav.
7. Phulo Devi, wife of Pramod Yadav.

5 to 7 are resident of village- Bhelana, P.S. Gamahariya, District Madhepura.

8. Janardan Prasad Yadav, son of Late Nunulal Yadav.
9. Krit Narayan Yadav, son of Late Nunulal Yadav .
10. Shatrughan Prasad Yadav, son of Late Ramji Prasad Yadav.

8 to 10 are resident of village + P.S. Gamahariya, District-Madhepura.

.....Defendants-Respondents 2nd Set.

.... Respondents.

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 27-09-2016

Heard.

2. This writ application, filed on behalf of the petitioner,
under Article 227 of the Constitution of India, is directed against the
order dated 24.08.2011 passed in Title Suit No.66 of 1996, whereby
the Civil Judge (Senior Division)-III, Madhepura, rejected the
application dated 28.08.2009 of the applicant-petitioner filed under

Order I Rule 10(2) of the Code of Civil Procedure to implead him as defendant being the necessary party in the suit.

3. Learned counsel for the petitioner submits that the applicant-petitioner purchased 1 Katha and 14 Dhoores land of Khesra Nos.2975 and 2976 of Khata No.197/Khesra No.3798 of Khata No.331 through sale deed dated 28.05.2008 from the defendants-Respondents 2nd Set. At the time of purchase of the land, the applicant-petitioner had no knowledge about the filing of the Title Suit No.66 of 1996 in respect to land covering the purchased land by him. After knowing about the filing of the Title Suit No.66 of 1996 by the plaintiffs-Respondents 1st Set against the defendants-Respondents 2nd Set, the applicant-petitioner filed an application on 28.08.2009 under Order I Rule 10(2) of the Code of Civil Procedure to implead him being the necessary party, which is rejected by the trial court illegally through the impugned order.

4. From perusal of the impugned order, it appears that the learned trial court rejected the application dated 28.08.2009 of the applicant-petitioner filed under Order I Rule 10(2) of the Code of Civil Procedure to implead him as defendant being the necessary party in the suit due to purchase of the land in dispute during the pendency of the suit by the applicant-petitioner from defendants-Respondents 2nd Set. As such, I find no illegality in the impugned

order amounting to the abuse of the process of the court for interference in an extra-ordinary jurisdiction of this Court under Article 227 of the Constitution of India.

5. Accordingly, this writ application stands dismissed.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2016
Transmission Date	