

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11568 of 2014

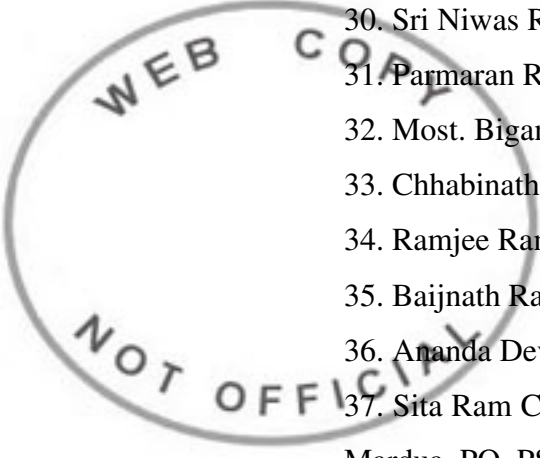
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1. Ganesh Tiwari Son of Late Ram Sarup Tiwari Resident of Mauza Mardua, PO,
PS and Circle - Chenari, District - Rohtas.

....Plaintiff No. 1/ Petitioner

Versus

1. Gopal Ram Son of Late Muni Ram Chamar
2. Vakeel Ram Son of Late Parmeshwar Ram.
3. Sri Ram Son of Late Parmeshwar Ram.
4. Vinod Ram Son of Late Parmeshwar Ram.
5. Kashi Ram Son of Late Parmeshwar Ram.
6. Munna Kuwar Son of Late Kailash Ram
7. Poojan Ram Son of Late Kailash Ram
8. Kamla Devi Daughter of Late Kailash Ram
9. Vimla Devi D/o Late Kailash Ram
10. Raghuni Ram Son of Late Beni Ram Chamar
11. Bachani Kuer Wife of Late Vashishtha Ram
12. Jai Kumar Ram Son of Late Vashishtha Ram
13. Ram Kumar Ram Son of Late Vashishtha Ram
14. Indrawati Kumari D/o Late Vashishtha Ram
15. Chandrawati Kumari D/o Late Vashishtha Ram
16. Amtorna Kumari D/o Late Vashishtha Ram
17. Smt. Bachani Ram Wife of Phaguni Ram
18. Sagiya Kuwar Wife of Late Rameshwar Ram
19. Tufani Ram Son of Late Rameshwar Ram
20. Butan Ram Son of Late Rameshwar Ram.
21. Chhote Lal Ram Son of Late Rameshwar Ram
22. Raju Ram Son of Late Rameshwar Ram
23. Annu Ram Son of Late Rameshwar Ram
24. Tetari Kumari daughter of Late Rameshwar Ram
25. Shankar Ram Son of Jaddu Ram
26. Gauri Kuwar Wife of Late Kesi Ram
27. Dularchand Ram Son of Late Ram Sakal Ram

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28. Chhote Lal Ram Son of Kailash Ram
29. Sheo Shankar Ram Son of Baijnath Ram
30. Sri Niwas Ram Son of Late Raghuni Ram
31. Parmaran Ram son of Sukar Ram
32. Most. Bigani Kuwar wife of Late Halkhori Ram
33. Chhabinath Ram Son of Bhrigunath Ram
34. Ramjee Ram Son of Raghuni Ram
35. Baijnath Ram Son of Bangali Ram
36. Ananda Devi wife of Sarjoo Ram
37. Sita Ram Chamar Son of Late Basropan Ram all 1 to 37 are residents of Mauza Mardua, PO, PS and Circle - Chenari, District - Rohtas.

..... Defendants 1st Set.

38. Nuraisha Khatoon wife of Late Abu Hasan
39. Munna Ali Son of Late Abu Hasan
40. Rajiya Khatoon D/o Late Abu Hasan
41. Ladali Khatoon D/o Late Abu Hasan
42. Faisal Ali Son of Late Abu Hasan
43. Gilani Ali S/o Late Abu Hasan
44. Ladda Alam S/o Late Abu Hasan
45. Sanju Alam Son of Late Abu Hasan
46. Manju Alam Son of Late Abu Hasan
47. Sarfoo Alam Son of Late Abu Hasan
48. Noor Hasan Son of Late Amjad Ali
49. Amir Hasan son of Late Amjad Ali
50. Ali Hasan Son of Late Amjad Ali
51. Jameer Hasan Son of Late Amjad Ali all 38 to 51 are residents of Mauza Mardua, PO, PS and Circle - Chenari, District - Rohtas.

..... Defendants 2nd Set.

52. Buchan Ram Son of Late Ram Chela Ram
53. Virendra Ram Son of Late Pakhandu Ram
54. Sheojee Ram Son of Late Sheonarayan Ram
55. Radhika Kuwer Son of Late Mahangu Ram
56. Ameerchand Sao Son of Late Rupa Sao all 52 to 56 are residents Mauza Mardua, PO, PS and Circle - Chenari, District - Rohtas.

..... Defendants 3rd Set.

57. Girija Kahar alias Bagedan Son of Late Ledar Kahar

58. Ramanuj Tiwari Son of Late Kesho Tiwari both 57 and 58 are residents Mauza Mardua, PO, PS and Circle - Chenari, District - Rohtas.

..... Defendants 4th Set.

59. State of Bihar through Collector Bahadur, District Rohtas at Sasaram PO, PS and Anchal - Sasaram District Rohtas.

60. Anchaladhikari , Anchal Chenari, PO, PS - Chenari District - Rohtas

..... Defendants 5th Set.

61. Bhola Nath Lal son of Late Ram Krit Lal

62. Kedar Tiwari Son of Late Ram Charitar Tiwari

63. Santosh Kumar Tiwari Son of Late Harihar Tiwari

64. Sri Nath Tiwari Son of Late Nageshwari Tiwari

65. Nizamuddin Ansari Son of Late Jumarati Ansari

66. Jamuna Tiwari Son of Late Ram Swarup Tiwari

67. Pradeep Baitha Son of Pran Baitha

68. Sri Niwas Ram Dusadh Son of Late Sanchi Ram

69. Bharath Singh Son of Halkhori Singh Kahar

70. Balister Lal Son of Late Mahadeo Lal

71. Sanjay Kumar Srivastava Son of Late NarSingh Lal

72. Sakuntala Kuer Wife of Late Sarjee Pandey

73. Ashok Son of Late Sarjoo Pandey

74. Pramod S/o Late Sarjoo Pandey

75. Arvind Son of Late Sarjoo Pandey

76. Amarjeet Son of Late Sarjoo Pandey

77. Krishna Son of Late Sarjoo Pandey

78. Laljee Sah Son of Bansropan Sah all are residents of Mauza Mardua, PO, PS and Circle - Chenari, District - Rohtas.

Plaintiffs/Proforma Respondents.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-08-2016

Heard Mr. Bajrangi Lal, learned counsel appearing for the petitioner.

The plaintiff is the petitioner in this application seeking the quashing of the impugned order by which the learned court below has turned down the prayer of the plaintiff-petitioner for impleading a person as a party defendant in the suit.

Learned counsel for the petitioner has submitted that the suit has been filed for declaration of existing (customary, prescriptive and easementary) over the suit property. It has been pointed out that the suit property has been recorded in the survey khatian as Anabad Bihar Sarkar and the plaintiff has been claiming his right of user over the suit property. It has been also submitted that some other person besides the State of Bihar have been impleaded as defendants in the suit and the person sought to be impleaded is the wife of Defendant No. 34 in whose favour the Defendant No. 23 to 26 have executed a gift deed.

After considering the submissions and perusal of the impugned order, it is manifest that the suit has been filed for the aforesaid relief in the year 1996. The petition for impleading Umrawati Devi as Defendant No. 34-K has been filed by the



plaintiff on 02.12.2011. The learned court below has recorded that the petition has been filed after a lapse of almost 17 years. Even otherwise also it is apparent that the plaintiff has not been claiming his exclusive title over the suit property and has been claiming only the right of user and alleged deed of gift in favour of the person proposed to be impleaded as party has been executed three years prior to the filing of the suit. It is also clear that the husband of the proposed person has been already impleaded as party as well as the alleged donors are also already parties in the suit.

Considering the facts and circumstances of the case, this Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India to interdict the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2016
Transmission Date	