

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9116 of 2014

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Meena Kumari wife of Vijay Kumar Singh resident of village - Singahi, P.S. Paroo,
District – Muzaffarpur Petitioner.

Versus

1. Rajendra Sah Son of Late Surajdeo Sah Resident of village - Kodariya, P.O. Kharauna, P.S. AND Anchal Kudhani, District - Muzaffarpur
 2. Jagdish Sah
 3. Mahendra Sah Sons of Late Surajdeo Sah Both residents of Village - Kodariya, P.O. Kharauna, P.S. AND Anchal Kridhani, District - Muzaffarpur
 4. Mostt. Meera Devi wife of Late Joge ndra Sah
 5. Raj Kishore Sah
 6. Lallan Sah
 7. Bhola Sah Sons of Late Jogendra Sah All residents of village Kadariya, P.O. Kharauna P.S. AND Anchal District - Muzaffarpur
 8. Chunna Devi Daughter of Late Jogendra Sah, Wife of Sanjeev Sah Resident of village AND P.O. Bishundattapur, P.S. Kanti, District - Muzaffarpur
 9. Kumkum Devi D/O Late Jogendra Sah, W ife of Sanjay Sah Resident of village - Pandit Pakri, P.O. Shankarpur, P.S. Kanti, District - Muzaffarpur
 10. Soni Devi D/o Late Jogendra Sah, Wife of Sanjay Sah resident of village AND P.O. Nayaganj Bazar, P.S. Meenapur, District - Muzaffarpur
 11. Tetari Devi D/O Late Surajdeo Sah wife of Late Ram Ashish Sah resident of village AND P.O. Daud Nagar, P.S. and District – Vaishali Respondents.
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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-04-2016

V.Nath, J.

Heard learned counsel for the petitioner.

Calling in question the legal validity of the impugned order by which the prayer of the petitioner for her impleadment in the suit as party has been turned down, the present application under Article 227 of the Constitution of India has been filed.

The learned counsel for the petitioner has accepted that the petitioner has purchased the part of the suit property by

registered sale deed much prior to the filing of the suit and has been in peaceful exclusive possession over the same. It has, however, been submitted that the suit has been filed later on and as the petitioner is a purchaser of the part of the property and therefore she is a necessary party to the suit.

After considering the submissions and the materials on record including the impugned order, it is manifest that the suit for partition has been filed in the year 2011 whereas the petitioner has purchased the property said to be part of the property in the said suit in the year 2008. The petitioner on that basis filed the petition for impleadment as party in the suit which was opposed by the plaintiff. The learned court below by the impugned order has rejected the prayer of the petitioner to be impleaded as party in the suit.

After perusal of the impugned order and in view of the case of the petitioner that she is in exclusive peaceful possession over her purchased property, it does not appear that any decree to be passed in the said suit would be binding upon the interest of the petitioner as she shall be at liberty to resist any attempt of encroachment over her right, title and interest over her property in accordance with law. This Court, therefore, does not find any error of jurisdiction and the illegality in the impugned order in refusing the prayer of the petitioner.

This application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2016
Transmission Date	NA

