

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2556 of 2015

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Ashok Prasad

.... Petitioner/s

Versus

Om Prakash Narain & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-01-2016

Heard learned counsel for the petitioner.

By the impugned order dated 19.07.2014 the learned Subordinate Judge-I, Chapra in Partition Suit No.1059 of 2013 has allowed the application filed by the plaintiff-respondent under Order 1 Rule 10 of the Code of Civil Procedure.

It appears that the plaintiff-respondent filed the aforesaid suit for partition against defendant. Thereafter the defendant filed written statement alleging that he has already sold some portion of the property to third person. Thereafter the plaintiff filed application for adding the purchaser as party, which has been allowed by the court below.

In view of the settled principles of law laid down by the Hon'ble Supreme Court in the case of **Amit Kumar Shaw and another Vs. Farida Khatoon and another, A.I.R. 2005 SC 2209** the transferee during the pendency of the suit is a necessary

party and should be added as party, the court below has rightly allowed the application filed by the plaintiff and, therefore, there is no question of interference in the impugned order in supervisory jurisdiction arises.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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