

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12343 of 2013

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1. Umesh Kumar Son Of Late Butan Kumar Resident Of Village -
Dhrubganj, P.S. Naugachia, District - Bhagalpur

2. Sagar Kumar Son Of Late Butan Kumar Resident Of Village -
Dhrubganj, P.S. Naugachia, District - Bhagalpur

.... Petitioner/s

Versus

1. Sakaldeo Kumar Son Of Late Butan Kumar Resident Of Village -
Dhrubganj, P.S. Naugachia, District - Bhagalpur

2. The State Of Bihar Through The Collector Bhagalpur

3. The Anchal Adhikari, Naugachia Block District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachchidanand Choudhary

For the Respondent no.1 : Mr. Sunil Kumar Singh

For the Respondent nos.2&3 : Mr. Amit Kumar Jha, AC to AAG4

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioners and respondents.

This application under Article 227 is directed against the order dated 01.02.2013 passed in Title Suit No. 59 of 1997, whereby the learned Munsif-II, Naugachhia, Bhagalpur, rejected the application of the petitioners filed under Order 1 Rule 10(iii) C.P.C. to implead them as intervener/defendants.

Learned counsel appearing on behalf of the petitioners submits that in fact, Partition Suit No. 79 of 2009 filed by the plaintiff/respondent no.1 is pending in which the

petitioners are defendants. The plaintiff-respondent did not disclose the whole property for partition, but the petitioners claimed the land in dispute, as detailed in the present case as joint family property in their written statement regarding the application of petitioners for impleading them as necessary parties in the present suit through impugned order is illegal.

Admittedly, the land in dispute of the present suit, which is said to be recorded illegally in the name of State of Bihar, is purchased by the plaintiff/opposite party no.2. As such, in the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction. Accordingly, the application is dismissed.

(Rajendra Kumar Mishra, J)

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