

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.682 of 2016**

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Bal Kishun Sah @ Bal Krishna Sah

.... Appellant/s

Versus

Chhotu Kumar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Kant

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 18-10-2016

Heard the learned counsel, Mr. Chandra Kant for the
petitioner.

Perused the impugned order dated 19.03.2016 passed
by Sub Judge I, Siwan in Money Suit No.5 of 2015.

Money suit was filed by the plaintiff-respondent against
the defendant-respondent praying for return of the consideration
amount paid by the plaintiff to the defendant of the suit while
executing the sale deed. The petitioner filed the application for
being added as party on the ground that the property sold by his
son i.e. defendant is his property.

In my opinion, therefore, the presence of the petitioner
for deciding the question that whether the plaintiff is entitled to get
back the consideration amount of sale deed is not required. The
point which is being raised by the petitioner that he is the owner of
the property sold by his son is entirely a different matter and that

cannot be decided in this simple suit for money particularly when it is admitted fact that the sale deed has been executed by the defendant to the plaintiff.

In the result, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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