

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13612 of 2014

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1. Krishna Deo Kumar Singh Son of Late Nagendra Singh Resident of Village Gouripur, P.S. Singheshwar, District- Madhepura.
 2. Lallan Kumar Yadav Son of Late Bindeshwari Yadav Resident of Madhepura, Ward No. 8, P.S. and District Madhepura.

.... Petitioners

Versus

1. Bhuwaneshwari Yadav
2. Bucho Yadav Both Sons of Late Deo Narayan Yadav
3. Abhay Kumar Yadav Son of Tula Krishna Yadav All resident of Village Naw Tolia, Ward no. 2, Madhepura, P.S and District Madhepura.
4. Bechni Devi Wife of Laxman Bhagat and daughter of Bahadur Bhagat Resident of village Babhangama, P.O. Babhangama, P.S. Triveniganj, District- Supaul.
5. Meena Devi Wife of Chhote Lal Bhagat, Daughter of Bahadur Bhagat Resident of Saharsa Basti, P.O. P.S and District Saharsa.
6. Smt. Mangni Devi Daughter of Late Bouku Modi and Wife of Gultan Bhagat
7. Dashrath Bhagat
8. Ganesh Bhagat Both sons of Late Anant Lal Bhagat Respondent No. 6, 7, and 8 are all resident of Village Madhepura Ward no. 7, P.S and District Madhepura.
9. Smt. Dukhni Devi Wife of Late Babujee Bhagat
10. Bechan Bhagat
11. Jitendra Bhagat Both Sons of Late Babujee Bhagat Respondent Nos. 9 to 11 are all resident of Village New Tolia, Ward No. 2, Madhepura, P.S. and District Madhepura.
12. Smt. Nageshwari Devi Wife of Bhaiya Lal Bhagat
13. Dinesh Bhagat
14. Subhash Bhagat
15. Dilip Bhagat Sons of Lat Bhaiya Lal Bhagat Respondent no. 12 to 15 are all resident of Village Madhepura Ward No. 7, P.S and District Madhepura.
16. Smt. Lakhia Devi Daughter of Bhaiya Lal Bhagat and wife of Musharu Bhagat Ward no. 6, Madhepura, P.S and District- Madhepura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha No.-2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-09-2016

Heard the learned counsel for the petitioners.

The legal sustainability of the impugned order by which

the learned court below has rejected the petition filed on behalf of the petitioners for their impleadment as party defendant in the suit has been questioned in this application under Article 227 of the Constitution of India.

The fact has not been disputed on behalf of the petitioners that they are pendente lite purchasers of the suit property from the defendant. The suit has been filed by the plaintiff for declaration of title over the suit property on the basis of their purchase of land by sale deed dated 11.01.1985. It is also evident from the impugned order as well as the averments made in the petition that earlier the petitioners filed a petition on 11.08.2010 praying for their impleadment as parties in the suit on the basis of their purchase. However, the said petition was dismissed as not pressed. But the petitioners did not file any fresh petition promptly rather they waited for about two years and then filed the present petition on 03.09.2012 renewing their prayer for impleadment as parties. The learned court below has taken into notice the fact that the petitioners have not given any explanation with regard to the fact as to why their earlier petition was not pressed. Before this Court also, no cogent reason could be placed for not filing the fresh petition promptly after the dismissal of the earlier petition as not pressed.

During the course of submission, learned counsel for the petitioners has accepted that the evidence of both the parties in the suit which has been pending since 2006 has been completed and the matter has been posted for argument.

In the background of these facts, this court is not

inclined to interfere in the impugned order.

The application is dismissed.

However, the order of rejection of the petition of the petitioners will not prejudice their right, title and interest, if available to them in accordance with law.

(V. Nath, J)

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