

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.260 of 2016**

Prabhat Kumar & Anr

.... Appellant/s

Versus

Ashim Kumar & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Prasad

For the Respondent/s : Mr.

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

2 12-08-2016

Heard learned counsel for the defendants-petitioners.

Perused the order dated 28.04.2016 passed by learned Subordinate Judge-VI, Patna in Title Partition Suit No.474 of 2007 whereby the learned court below has allowed the application under Order 1 Rule 10 (2) CPC filed by the plaintiff for adding the purchasers as party in the suit.

The only grievance of the defendants-petitioners is that the purchasers are purchasers of the land in the year 2009 but the application has been filed at belated stage and without giving opportunity to hear the petitioners and without considering the rejoinder application filed by these defendants-petitioners the court below has allowed the application filed by the plaintiff and added the purchasers as party.

Admittedly the purchasers have purchased the property from the defendants-petitioners in the year 2009 as submitted by

learned counsel for the petitioners. The plaintiff has filed this application for adding them as party under Order 1 Rule 10 CPC. In view of the decision of the Supreme Court, **A.I.R. 2005 Supreme Court 2209 (Amit Kumar Shaw and another Vs. Farida Khatoon and another)** the Court has the jurisdiction to add the purchasers as party in a suit. Admittedly the suit is partition suit and, therefore, the purchasers have got vital interest in portion of the suit property purchased by them. The Hon'ble Supreme Court in the case of **Mumbai International Airport Private Limited Vs. Regency Convention Centre and Hotels Private Limited and others, (2010) 7 Supreme Court Cases 417** has held that whenever an application is filed by the plaintiff for adding a particular person as defendant in the suit on the ground that he is necessary party, the Court should allow the application liberally.

In view of the above facts and circumstances of the case I do not find any jurisdictional error in the order passed by the court below. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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