

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9089 of 2012

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1. Navin Kumar S/O Sri Dinesh Sharma Resident Of Mohalla Chanakya Puri, Raja Bazar Salempur Dumra, P.S. Shashtri Nagar, District - Patna

.... Petitioner/s

Versus

1. Arun Kumar Sharma S/O Sri Mahesh Sharma Resident Of Shekhpura, P.S. :- Shashtri Nagar In The Town And District Of Patna
2. Sadhu Saran Singh Son Of Late Ramdeo Singh Resident Of Village Poama, P.S. :- Masaurhi, District :- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar -Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 28-04-2016

Heard learned counsel for the petitioner.

Gone through the order impugned.

Petitioner who has not been allowed to be impleaded as a party by the learned lower court of Munsif, 2nd Patna in Title Suit No. 01/2008 vide order dated 03.02.2012 has preferred instant petition.

Learned counsel for the petitioner has submitted that petitioner happens to be purchaser though, *pendente lite* and on account thereof, he has inherited the interest of his vendor, one of the defendants and so, to defend his interest, he should have been allowed to be impleaded as a party which, the learned lower court wrongly and illegally rejected.

To substantiate such plea, learned counsel for the petitioner relied upon ***AIR 2005 SC 220***.

From perusal of the order impugned, it is evident that the learned lower court had already injuncted both the parties from transferring the land. Purchase made by the petitioner happens to be after the aforesaid injunction order and so, he has to face the curse on account of flouting the order of the Court.

That being so, I do not see any cogent reason to interfere with the order impugned.

However, petitioner will be at liberty to take proper recourse in accordance with law, if any, available to him.

(Aditya Kumar Trivedi, J)

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