

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1384 of 2016**

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Bharat Prasad

.... Appellant/s

Versus

Most Pana Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Atul Kumar Pandey

For the Respondent/s : Mr.

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

3 20-12-2016 Heard learned counsel Mr.Atul Kumar Pandey for the
petitioner.

Perused the impugned order dated 05.09.2016 passed
by learned 5th Subordinate Judge, Sitamarhi in Title Suit No.229
of 2006.

It appears that during the pendency of the suit the
defendant-petitioner sold some property to the purchasers. The
plaintiffs-respondents filed an application for adding the
purchasers as party. The trial court by the impugned order dated
05.09.2016 has allowed this application.

The Hon'ble Supreme Court in the case of **Amit
Kumar Shaw and another Vs. Farida Khatoon and another,
A.I.R. 2005 Supreme Court 2209** has held that ordinarily the
purchaser should be added as party in a suit. Admittedly in the
present case part of the property has been sold by the defendant to



the purchaser and the application has been filed by the plaintiffs for adding the purchaser as party. Therefore, I find no jurisdictional error in the impugned order.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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