

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7468 of 2014

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Bindeshwari Mandal 7 Ors

.... Petitioner/s

Versus

Vinay Kumar Bhuwania & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 19-02-2016 Heard the learned counsel, Mr. B.N.P. Singh, for the defendant petitioner.

By the impugned order dated 15.02.2014, the learned Civil Judge, Sr. Division, Madhepura in Title Suit No.137 of 2010 allowed the intervention application of the interveners for being added as party on the ground that they are purchaser during the pendency of the suit.

The Hon'ble Supreme Court in the case *Amit Kumar Sah Vs. Farida Khatoon AIR 2005 SC 2209* has held that “a transferee pendente lite to the extent he has acquired interest from the defendant is vitally interested in the litigation, whether the transfer is of the entire interest of the defendant, the latter having no more interest in the property may not properly defend the suit. He may collude with the plaintiff.

Hence, though the plaintiff is under no obligation to make a lis pendens transferee a party; under Order 22 Rule 10 an alienee pendente lite may be joined as party, the Court has discretion in the matter which must be judicially exercised and an alienee would ordinarily be joined as a party to enable him to protect his interests.”

By the impugned order, the Court below has, therefore, exercising this jurisdiction under Order I Rule 10 CPC added the intervener purchaser, no prejudice is being caused to the defendant. It may be mentioned here that the plaintiff is not objecting to the addition of the purchaser. Therefore, at the instance of the defendant, the discretionary order passed by the Court below cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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