

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8513 of 2014

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Ramdeni Ram @ Ramdeni Chamar son of Late Jamuna Ram @ Jamuna Chamar resident of village : - Chogra, P.S. - Durgawati, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabua
2. The Anchal Adhikari, Anchal AND P.O. AND P.S. - Durdawati, District - Kaimur at Bhabua.
3. Ram Jee Bind son of Late Nagina Bind
4. Nandu Bind son of Late Nagina Bind
5. Kanhaiya Lal Bind son of Late Nagina Bind Respondent No.3 to 5 are residents of Village : - Sarangpur, P.O. AND P.S. : - Durgawati, District - Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kislay

For the Respondent/s : Mr. Sc13- Arvind Kumar-1

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 17-03-2016

Heard the learned counsel for the petitioner

and the learned counsel for the respondent nos.1 and 2.

Challenge in the present writ application under Article 227 of the Constitution of India is to the order by which the learned court below has rejected the petition of the petitioner praying for being impleaded as party-defendant in the T.S.No.95/2005. It has been averred in paragraph-21 of the application that the petitioner has filed T.S.No.152/2012 seeking declaration of his title with regard to the suit land. The learned counsel for the petitioner has accepted that the said suit which was

earlier dismissed for default has now been restored. Even otherwise also the petitioner is not claiming any interest in the suit land either through the plaintiff or the defendants who are parties in the T.S.No.95/2005 and has been pursuing the matter for being impleaded as party on the basis of his own independent cause of action. In view of the principles as laid down by their lordships in the case of ***Ramesh Hiranand Kundanmal V The Municipal Corporation of Greater Bombay, JT 1992 (2)SC 116*** such a prayer for being impleaded as a party in a suit cannot be allowed.

The application is accordingly dismissed with liberty to the petitioner to pursue the remedy open to him in accordance with law for his cause.

(V. Nath, J)

Nitesh/-

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