

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10951 of 2013

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Sadanand Gurda, Son of Late Damodar Lal Gurda, Resident of Mohalla-Krishna
Dwarika Sisouriya Chaura, P.O. Chand Chaura, P.S. Civil Lines, District -Gaya.

.... Petitioner.

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Anchal Adhikari, Bodh Gaya Anchal, P.O. and P.S. Bodh Gaya, District
Gaya.
3. Laxman Prasad, Son of Late Sita Sao.
4. Ambika Kumar Gupta, Son of Sri Laxman Prasad.
Both Respondent No.3 and 4 are Resident of Village-Bhadeja, P.S. Muffasil
Gaya, At Present Resident of Mohalla-Koeri Bari, P.S. Civil Lines, District-
Gaya.
5. Ramjee Lal Gayb Dhokri, Son of Late Kamal Lal Gayb Dhokri.
6. Amar Nath Jhanger Dhokri, Son of Late Kanhaiya Lal Jhanger Dhokri .
Both Respondent Nos.5 and 6 are Resident of Mohalla- Krishna Dwarika
Sisouriya Chaura, P.O. Chand Chaura, P.S. Civil Line District-Gaya.

.... Respondents.

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Appearance :

For the Petitioner : Mr.

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 26-09-2016

Let the supplementary affidavit filed on behalf of the legal
heirs of the petitioner be kept on record.

2. Heard.

3. This application, filed on behalf of the petitioner, under
Article 227 of the Constitution of India, is directed against the order
dated 21.03.2013 passed in Title Suit No.98 of 2009, whereby the
court of Munsif-II, Gaya, allowed the application of the Respondent
Nos.5 and 6 filed under Order I Rule 10(2) of the Code of Civil

Procedure to implead them as defendant nos.5 and 6 in the suit.

4. Learned counsel appearing on behalf of the petitioner submits that, in fact, the plaintiffs/petitioner has filed Title Suit No.98 of 2009 against the State of Bihar through the Collector, Gaya and Anchal Adhikari, Bodh Gaya, Gaya for declaring title and interest over the suit premises impleading Laxman Prasad and Ambika Kumar Gupta as defendant nos.3 and 4, who have made claim in respect of the land in dispute in separate suit. Since no any relief has been sought for as against the Respondent Nos.5 and 6, as such, allowing their application filed under Order I Rule 10(2) of the Code of Civil Procedure through the impugned order to implead them as defendant nos.5 and 6, in the suit, is illegal. Further submission is that, in fact, the land in dispute is settled in the name of the plaintiff-petitioner by the ex-landlord, as such, the land in dispute is self acquired property of plaintiff-petitioner.

5. From perusal of the impugned order, it appears that the Munsif-II, Gaya, after hearing the parties arrived to the finding that the land in dispute initially belonged to the common ancestor Late Kishun Lal Dhokri, the maternal grand father of the father of the plaintiff-petitioner and the applicant Ramjee Lal Dhokri is the son of the daughter of Late Kishun Lal Dhokri and Amarnath is grand son of the daughter of Late Kishun Lal Dhokri. Thus, both applicants are

necessary parties, and. accordingly, allowed the application filed on their behalf under Order I Rule 10(2) of the Code of Civil Procedure to implead them as defendant nos.5 and 6 in the suit.

6. I find no illegality in the impugned order amounting to the abuse of the process of the court for interference with the same in an extra- ordinary jurisdiction of this Court under Article 227 of the Constitution of India.

7. Accordingly, this writ application stands dismissed.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.10.2016
Transmission Date	