

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.197 of 2013

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1. Sri Kant Singh S/O Late Surendra Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 2. Kedar Singh S/O Late Karu Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 3. Sri Mohan Singh S/O Late Damodar Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 4. Indira Devi @ Murti Devi W/O Dinesh Mohan Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 5. Janki Devi W/O Surendra Prasad Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 6. Chandan Singh S/O Late Chhedu Prasad Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 7. Vijay Kumar Singh S/O Late Ramanand Singh Resident of Mohalla- Bihari Under Jamui Nagar Parishad, Post Office and District- Jamui.
 8. Abhay Kumar Singh S/O Late Sarju Narain Singh Resident of Mohalla- Bihari Under Jamui Nagar Parishad, Post Office and District- Jamui.
 9. Sadanand Singh S/O Late Chandra Prasad Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.
 10. Anjani Kumar Singh S/O Late Gokula Prasad Singh Resident of Mohalla- Bihari under Jamui Nagar Parishad, Post Office and District- Jamui.

.... Petitioners

Versus

1. Kripa Kumar Singh S/O Late Chandrabhal Singh Resident of Village- Mahouligarh, Police Station- Khaira, Post Office-Gidhour, District- Jamui.
2. The Pradeep Singh S/O Late Chandrabhal Singh Resident of Village- Mahouligarh, Post Office-Gidhour, Police Station- Khaira, District- Jamui
3. Bhagwan Singh S/O Late Laxman Singh Resident of Mohalla- Bihar, Post Office, Police Station and District- Jamui.
4. Bhawani Singh S/O Late Laxman Singh Resident of Mohalla- Bihar, Post Office, Police Station and District- Jamui.



5. Shashi Bhushan Singh @ Shesh Singh S/O Late Laxman Singh Resident of Mohalla- Bihar, Post Office, Police Station and District- Jamui.

6. Buntty Singh S/O Late Ganesh Singh Resident of Mohalla- Bihar, Post Office, Police Station and District- Jamui.

7. Dipak Singh S/O Late Ganesh Singh Resident of Mohalla- Bihar, Post Office, Police Station and District- Jamui.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Rajiv Nayan Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

5 27-09-2016 Heard Mr. R. N. Singh, learned counsel appearing on behalf of the petitioners and learned counsel for the opposite parties.

2. This revision petition has been filed against the order dated 19.08.2013 passed by the learned Sub-Judge 1st, Jamui in T.S. No. 50 of 2012 by which the prayer of the petitioners for impleading them as parties in the said suit has been rejected.

3. The case of the petitioners as pleaded before the learned court below was that they had got right, title and interest in the suit property being descendants of Laljit Singh. It was also their case, that the defendant nos. 3 to 7 in the suit, had claimed their title over the suit property of Laljit Singh against the right, title and interest of the petitioners and therefore, their impleadment as



defendants in the suit was necessary as they were necessary parties in the facts and circumstance.

4. Learned counsel for the petitioners has submitted that the decree passed in the present suit would definitely prejudice the right, title and interest of the petitioners over the suit property, but the learned court below has not properly considered the said fact. It has also been contended that the aforesaid suit has been filed for partition of the property in which the petitioners have also legal interest and any decree passed in the suit would be prejudicial to the right of the petitioners in the suit property.

5. After considering the submissions as well as the perusal of the impugned order, it transpires that the plaintiff has filed the suit for partition of the property claiming that the same was purchased jointly by his predecessors alongwith the predecessors of the defendants Ist set and defendant IInd set. The present petitioners claim themselves to be the descendants of Laljit Singh who was the predecessor of Laxman Singh through whom the defendant IInd set is said to have got title in the suit property. The determination of the right, title and interest of the petitioners on the basis of their claim to be descendants of Laljit Singh is certainly beyond the scope of the suit which has been filed for partition only. A person cannot be impleaded as party to a suit on



the basis of his independent cause of action. It also admits no dispute that any decree which may be passed in the suit, would not be binding upon the right, title and interest of the petitioners in the suit property in which they have claimed to have share in the suit. This Court, therefore, holds that the learned court below has not committed any error of jurisdiction or material irregularity in passing the impugned order.

7. Accordingly, this revision petition is dismissed.

(V. Nath, J)

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