

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.357 of 2017

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Arjun Mandal, son of Late Ayodhya Mandal, Resident of Village- Akbar Nagar, P.S.- Akbarnagar, District- Bhagalpur.

.... Petitioner

Versus

1. Manju Devi, wife of Sri Arun Kumar Mahto, R/o Village- Akbarnagar, P.S.- Akbarnagar, District- Bhagalpur.
2. Manoj Mandal,
3. Sanjeet Kumar Man, Both are sons of Arjun Mandal, resident of Village- Akbar Nagar, P.S.- Akbarnagar, District- Bhagalpur.

.... Opp.Parties

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Appearance :

For the Appellant/s : Mr. Ashutosh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 16-05-2017

Heard learned counsel for the petitioner.

By the impugned order the learned court below has rejected the petition filed by the defendant no. 1-petitioner praying for impleading some persons as party defendant in the suit.

The suit has been filed for partition wherein the opposite parties in the present application have been made defendants. However, one of the defendants, i.e., defendant no. 1 filed a petition praying for impleading the other co-sharer also as parties in the suit which has been rejected by the impugned order.

After considering the submissions and perusing the materials on the record, it is evident that the persons whom the



petitioner has proposed to be impleaded as party have themselves filed their own petition for impleadment on 20.4.2016, which fact is also apparent from the order dated 18.10.2016 which is on record. In the present application no challenge to the said order dated 18.10.2016 has been made and the only challenge is to the order dated 6.9.2016.

In this fact and situation, this Court comes to the conclusion that the petitioner as defendant no. 1 could not have filed the petition and could not be the person aggrieved by the order rejecting his petition for impleading other persons as party when such other persons themselves approached the court by filing independent petition.

The application is, accordingly, dismissed.

(V. Nath, J)

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