

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1511 of 2017

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Most. Masoom Khatoon alias Masooma Khatoon, Wife of late Md. Jamaluddin, R/o
Mohalla Asanandpur Naya Tola, P.S. Tetarpur, District Bhagalpur.

.... Petitioner/Intervenor-Petitioner

Versus

1. Md. Khurshid Alam, Son of late Md. Yusuf.

2. Zulalkha Bano, Wife of Md. Khurshid Alam.

Both R/o Mohalla Rashidpur, Akbarnagar, P.S. Akbarnagar, District Bhagalpur.

.... Plaintiffs/Respondent 1st set

3. Md. Nahaluddin.

4. Md. Imamuddin.

Both Sons of late Hazi Jamaluddin, R/o Mohalla Naya Tola, Aassanandpur,
P.S.Tatarpur, District Bhagalpur.

.... Defendants/Respondent 2nd set

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Appearance :

For the Petitioner : Mr. Bimlendu Mishra, Adv.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 23-08-2017

The petitioner is aggrieved by an order, dated
13.07.2017, passed by learned Munsif-II (Sadar), Bhagalpur, in
Title Eviction Suit No. 16 of 2012, whereby, he has rejected the
intervention application filed by her, under Order 1 Rule 10 (2) of
the Code of Civil Procedure, for her impleadment as party



defendant. The said title eviction suit has been filed by the plaintiffs/respondent 1st set against the sons of the petitioner, who are the defendants/respondent 2nd set. It is the plea of the petitioner that if any decree is passed for eviction, the petitioner shall also be adversely affected and, therefore, she is a necessary party in title eviction suit before the court below.

2. It seems that against an order, dated 27.06.2014, passed by the court below in the said title eviction suit whereby a petition filed on behalf of the plaintiffs, seeking impleadment of this petitioner as defendant, had been rejected, a civil revision application was filed before this Court, giving rise to Civil Revision No. 159 of 2014. The said civil revision came to be dismissed by an order of this Court, dated 27.04.2017, with an observation that if the mother of the defendants made any prayer for adding her party to the said suit within a month from the date of passing of the order, the trial court shall 'concede' the prayer of the mother of the petitioner without being prejudiced by this order.

3. Taking advantage of the word 'concede', occurring in paragraph 6 of the said order, dated 27.04.2017, a plea is being taken on behalf of the petitioner that the court below has acted in defiance of this Court's order, since the court below did not have any other option but to 'concede' to the prayer for impleadment of



petitioner as party defendant.

4. The plea deserves to be rejected since apparently the petitioner is trying to take undue advantage of a typographical error in the said order, dated 27.04.2017, wherein, evidently in place of word ‘consider’, ‘concede’ has been typed, which is clear from the fact that the Court has further observed that the Court’s order shall be without being prejudiced by the said order of this Court, dated 27.04.2017.

5. This application is frivolous and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

