

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.358 of 2017

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Jogendra Lal, Son of Late Ragho Prasad, Resident of Village- Saidbarahi, PO- Jaitpur, P.S.- Chandi, District- Nalanda.

.... Appellant

Versus

1. Raghupati Prasad, Son of Late Bulli Mahto,
2. Ashok Kumar, Son of Raghupati Prasad,
3. Arvind Kumar, Son of Raghupati Prasad,
4. Arun Kumar, Son of Raghupati Prasad,
5. Surendra Prasad, Son of Late Saryug Prasad,
6. Mahendra Prasad, Son of Late Saryug Prasad,
7. Indrajeet Prasad, Son of Yadunandan Prasad, All are residents of Village- Saidbarahi, PO- Jaitpur, P.S.- Chandi, District- Nalanda.
8. Dharmraj Prasad, Son of Late Ganaur Prasad, Resident of Village- Kismirichak, P.O.- Dosut, P.S.- Noor Sarai, District- Nalanda.
9. Ramkali Devi, Wife of Harinarayan Singh, Daughter of Late Bulki Mahto, Resident of Village- Mohammadpur, P.O.- Ramghat, Bodhi Bigha, P.S.- Nagar Nausha, District- Nalanda.
10. Sunita Devi, Wife of Harinarayan Prasad, Resident of Village- Saidbarahi, P.S.- Chandi, District- Nalanda.
11. Satendra Kumar, Son of Late Ragho Prasad, Resident of Village- Saidbarahi, P.S.- Chandi, District- Nalanda.
12. Shailendra Kumar, Son of Late Ragho Prasad, Resident of Village- Saidbarahi, P.S.- Chandi, District- Nalanda.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-04-2017

Heard the learned counsel appearing for the
petitioner.

The learned counsel for the petitioner has
submitted that the respondent nos.10 Sunita Devi has been wrongly
added as party defendant in the suit on the basis of her claim of



purchase of the part of the suit property by registered sale deed dated 18.01.2008 executed by the defendant no.1. The fact is not in dispute that the sale deed has been executed prior to the filing of the suit. In that view of the matter, the right, title and interest of the respondent no.10 in the suit land on the basis of the sale deed are definitely involved in the suit. The learned court below therefore has rightly come to the conclusion that the respondent no.10 is entitled to be impleaded as defendant in the suit being the purchaser of the part of the suit property. This Court, therefore, is not inclined to exercise its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2017
Transmission Date	

