

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.522 of 2017

Birendra Singh, Son of Late Chandeshwar Singh @ Mohan Singh, Resident of village - Naraha, P.S. Bathnaha, District - Sitamarhi

... .. Appellant/s

Versus

1. Harish Chandra Singh, Son of Late Guru Pratap Singh,
2. Ajay Kumar Singh, Son of Harish Chandra Singh, Both resident of village - Naraha, P.S. Bathnaha, District - Sitamarhi
3. Ram Anik Singh, Son of Late Chandeshwar Singh, resident of village - Naraha, P.S. Bathnaha, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT AND ORDER

2 30-08-2017 Heard learned counsel for the parties.

2. An order, dated 30.11.2016, passed by the learned Munsif Sadar, Sitamarhi in Title Suit No. 54 of 2015, has been put to challenge under Article 227 of the Constitution of India, whereby the Court below has refused to implead the petitioner as a defendant.

3. The suit has been filed by the Respondent Nos. 1 and 2, seeking declaration of their title and restoration of possession against the sole defendant Ram Anek Singh (Respondent NO.3).

4. It is the plea of the petitioner that said Ram



Anek Singh has renounced the world and not taking interest in the suit. The petitioner is the sole brother of the said sole defendant and for that reason he filed the said application for his impleadment.

4. On perusal of the plaint, a copy of which has been brought on record by way of Annexure, I find that the plaintiff sought relief against said Ram Anek Singh only and not against any other person. Learned Court below has taken note of the fact that none of the legal representatives of the said Ram Anek Singh came forward to take such plea on the ground of his renouncing the world. In that situation, the rejection by the impugned order, dated 30.11.2016 for impleading the petitioner as defendant on the ground of him being brother of the sole defendant cannot be faulted with.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

