

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18850 of 2013**

=====

Mahmood Alam Ansari @ Mahmood Alam Son Of Late Mansur Alam @  
Jhapas Mian Resident Of Mohalla- Quilla, Ward No.- 19, P.S.- Bettiah  
(Town), District- West Champaran

.... .... Petitioner

Versus

1. Vijay Kumar Prasad S/O Late Baijnath Prasad Resident Of Village-  
Parbatia Noora Khap, Nawka Tola, P.S.- Bunar(M), District- West  
Champaran
2. Amlesh Prasad S/O Late Kanchan Prasad R/O Village- Noora Khap,  
Nawka Tola, P.S.- Bettiah(M), Distt.- West Champaran

.... .... Respondents

=====

**Appearance :**

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Respondents : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      08-12-2017                      This application has been filed to set aside the order dated 12.06.2013 passed by Sub Judge-I, Bettiah, West Champaran in Title Suit No.97 of 2007 whereby and whereunder petition dated 07.02.2012 filed for intervenor defendant under order 7 Rule-11 and Section 151 of the CPC was rejected.

2. Heard learned counsel for the petitioner as well as the respondents.

3. It appears that the respondent no.1 filed a Title Suit No.97 of 2007 for declaration of title over the suit land on the basis of registered sale deed dated 07.10.2006 executed by one Akhtari Begum in his favour. The plaintiffs further sought relief to declare the deed of gift dated 30.04.1932 as illegal.



4. It has been submitted that the plaintiff had purchased the suit land during the pendency of the suit and also violating the injunction order and so the plaintiff has not acquired any right or title over the suit land. The plaintiff has not filed ad valorem court fee as required and so the suit is fit to be rejected under Order VII Rule 11 of the CPC. The issue raised by the petitioner shall be considered at the time of trial. The defendant after filing written statement may raise objection as regards maintainability of the suit.

5. In view of above facts, I do not find any merit in this application. Accordingly, this application is dismissed.

**(Sanjay Kumar, J)**

B.Kr./-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

