

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24288 of 2013

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Deo Narayan Yadav S/O Kusheshwar Yadav Resident Of Village - Jalsain
Tola, Thathare P.S. Andharathadhi, Dist - Madhubani

.... Petitioner

Versus

1. Ganesh Jha S/O Late Suresh Jha Resident Of Village - Andharathadhi,
Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub Division -
Jhanjharpur District - Madhubani
2. Kalyani Devi W/O Late Suresh Jha Resident Of Village -
Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub
Division - Jhanjharpur District - Madhubani
3. Amol Devi W/O Late Bhagwan Jha Resident Of Village -
Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub
Division - Jhanjharpur District - Madhubani
4. Nutan Kumari D/O Late Bhagwan Jha Minor Daughter Under The
Guardianship Of Anmil Devi Resident Of Village - Andharathadhi,
Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub Division -
Jhanjharpur District - Madhubani
5. Binita Devi D/O Late Suresh Jha & W/O Kailash Chandra Mishra
Resident Of Village - Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. -
Andharathadhi, Sub Division - Jhanjharpur District - Madhubani
6. Ratnanand Jha S/O Sri Dayanand Jha Husband Of Late Sabita Kumari
Resident Of Village - Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. -
Andharathadhi, Sub Division - Jhanjharpur District - Madhubani
7. Ajitanand Jha Minor Son Of Late Sabita Kumari W/O Ratnanand Jha
Under Guardianship Of Father Ratnanad Jh Resident Of Village -
Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub
Division - Jhanjharpur District - Madhubani
8. Gopal Kumar Jha Minor Son Of Late Sabita Kumari W/O Ratnanand
Jha Under Guardianship Of Father Ratnanad Jh Resident Of Village -
Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub
Division - Jhanjharpur District - Madhubani
9. Anu Kumari Minor Daughter Of Late Sabita Kumari W/O Ratnanand
Jha Under Guardianship Of Father Ratnanad Jh Resident Of Village -
Andharathadhi, Pubari Tola Pargana - Jabdi, P.S. - Andharathadhi, Sub
Division - Jhanjharpur District - Madhubani

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajatshatru, Advocate

For the Respondents : Mr. Anjani Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 04-12-2017

This application has been filed to quash the order dated



23.08.2013 passed by learned Munsif, Jhanjharpur, District-Madhubani in Partition Suit No.64 of 1993 whereby and whereunder the prayer of the petitioner to implead him as defendant was rejected.

2. Heard learned counsel for the petitioner and the respondent.

3. It appears that during the pendency of Partition Suit No.64 of 1993 one of the defendants Anmol Devi sold one bigha land in favour of the petitioner on 09.05.2000. This petitioner having come to know about the pendency of partition suit filed a petition on 02.08.2013 under Order 1 Rule 10 of CPC for being impleaded as defendant. The court below after hearing both sides rejected the said petition.

4. On perusal of impugned order, I find that the court passed an injunction order on 04.04.1994 restraining the defendants from transferring any portion of the suit property. After injunction order, one of the defendants Anmol Devi executed a sale deed on 09.05.2000 in favour of the petitioner. Thereafter, the petitioner filed a petition for impleading him as defendant at the last stage of trial when the case was pending for argument. The defendant admittedly purchased the suit land violating the injunction order. The sale deed of petitioner is also hit by the



principles of lis-pendense and in this view of the matter the court below has not committed error in rejecting the prayer of the petitioner.

5. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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