

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.497 of 2017

Kamla Tiwary Son of Late Hira Tiwary, Resident of Mohalla- Shankar Nagar, Chandwa, Near Chandwa More, Ara , Police Station- Ara-Nawada, District- Bhojpur.

... .. Petitioner.

Versus

1. The Vice Chancellor, Veer Kunwar Singh University, Ara, District- Bhojpur at Ara.
2. Jag Jiwan College, Ara through its Principal, Ara District Bhojpur at Ara.
3. Ram Niwaj Mistri Son of late Uma Mistri
4. Hiralal Mistri Son of late Uma Mistri
5. Ram Narayan Vishwakarma son of late Sona Sharma
6. Radha Krishna Vishwakarma Son of late Kesho Sharma
7. Shiv Narayan Vishwakarma Son of late Kesho Sharma
8. Santosh Sharma Son of Sri Shiv Shankar Vishwakarma
9. Din Dayal Ojha Son of late Gjadhar Ojha
10. Smt. Bimla Devi Wife of Sri Din Dayal Ojha
11. Sundrawati Devi Wife of Niwash Tiwary
12. Baby Tiwary Wife of Ajay Kumar Tiwary
13. Ajay Kumar Tiwary son of Vishwanath tiwary
14. Anita Mishra Wife of Bhuneshwar Mishra
15. Pramod Kumar Shukla Son of Sri Ram Shukla
16. Ramji Upadhyay Son of Radha Kishun Upadhyay Respondent nos 3 to 16 are at Present resident of Mohalla- Shankar Nagar Chandwa, Near Chandwa More, Ara, Police Station- Ara Nawada, District- Bhojpur at Ara.
-Defendants/Respondents 1st Set
17. Laxman Sah son of late Jagarnath Sah
18. Lilawati Devi Wife of kashi Nath Tiwary
19. Prabhawati Mishra Wife of Dharnidhar Mishra
20. Jai Narayan Rai Son of late Ram Sundar Rai
21. Suraj Pandey Son of late Ram Pukar Pandey Respondent No. 17 to 20 are resident of Mohalla- Shankar Nagar Chandwa, Near Chandwa More, Ara, Police Station- Ara Nawada, District- Bhojpur at Ara.

... .. (Plaintiff Nos.2 to 6)-Respondents 2nd Set

Appearance :

For the Appellant/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 06-09-2018

Heard the learned counsel for the petitioner.



2. The petitioner has filed this civil miscellaneous petition against the order dated 07.02.2017 passed in Title Suit No.456 of 2005 by which the learned Sub-Judge-VIII, Bhojpur, Ara rejected the petition of the petitioner for impleading Meera Kumar as defendant no.17.

3. Petitioner is the plaintiff and petitioner filed the suit for declaration of his easementary right over the property mentioned in the schedule of the plaint. During the pendency of the suit, the petitioner filed petition for impleading Meera Kumar as defendant on the ground that Meera Kumar also filed several writ petitions claiming compensation of the land bearing Plot No.1129 on which road was constructed by the Ara Municipal Corporation. It appears that the petitioner did not seek any relief against Meera Kumar and since only because Meera Kumar filed the writ for compensation for construction of road on her land does not require that Meera Kumar be also made party-defendant. It further appears that the learned Sub-Judge has taken note of this fact that the plaintiff has not sought any easementary right on Plot No.1129 as the same is not mentioned in the schedule of the plaint, therefore, I find that the learned Sub-Judge has rightly rejected the petition of the petitioner.



4. Accordingly, the civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2018
Transmission Date	NA

