

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.220 of 2018

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1. Satya Narayan Prasad @ Satya Narayan Sah, son of Nathuni Sah, Resident of Muhalla- Hanumangarhi, Nakchhed Tola, P.S.- Motihari Nagar, District- East Champaran.
 2. Manoj Kumar, son of Late Mahadeo Sah, Resident of Muhalla- Gandhinagar, P.S.- Motihari Nagar, District- East Champaran.
 3. Dinesh Chandra Shukla, son of Late Bishambhar Nath Shukla, Resident of Muhalla- Thakurbari, P.S.- Motihari Nagar, District- East Champaran.

.... Petitioners

Versus

Krishna Kumar Prasad, son of Late Yamuna Prasad, Resident of Muhalla- Pakari Bazar Main Road (beside masjid), P.S.- Motihari Nagar, District- East Champaran.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Maya Shankar Mishra
Mr. Nagendra Upadhyay
For the Respondent/s : Mr. Manoj Kumar
Mr. Karandeep Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 01-08-2018 Heard both sides.

The petitioners are the plaintiffs in the court below. The petitioners filed this Civil Miscellaneous petition against the order dated 22.09.2017 passed by learned Sub-Judge-12, Motihari by which the learned Sub –Judge-12, Motihari rejected the petition of the petitioners for impleading the sons of Nand Lal Sah and Yamuna Sah and the widow and son of Binod Prasad, who are co-sharer, as defendants in the suit.

Admittedly, the parties are co-sharer and they appear to



be necessary party in the suit but learned Sub-Judge-12, Motihari rejected the petition of the petitioners for impleading them as defendants.

Learned counsel for the respondent submits that the petitioners have not stated in the petition that how they are necessary party but it appears that Nand Lal Sah and his sons and others whom the plaintiff wanted to implead as defendants in the suit are co-sharer of the plaintiff and they appears to be necessary party in the suit.

Thus, I find that learned Sub-Judge-12, Motihari has illegally rejected the petition of the petitioners for impleading them as defendants. Accordingly, this Civil Miscellaneous petition is allowed and the order dated 22.09.2017 is set aside. Accordingly, Balaji Sah and Kedar Sah, the sons of Nand Lal Sah, Govind Prasad and Brij Mohan Prasad, the sons of Yamuna Sah and Usha Devi and Abhishek Kumar, the widow and son of Binod Prasad are directed to be impleaded as defendants in the suit.

(Prabhat Kumar Jha, J)

Amit/-

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