

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.533 of 2018

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Anma Devi @ Anvan Devi @ Anva Devi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 07-08-2018

Heard Mr. Sanjay Singh, learned counsel appearing on behalf of the petitioner, and the learned AC to SC-25 appearing on behalf of the respondent no. 1 and 2.

The petitioner has filed this Civil Misc. petition against the order dated 09.01.2018 passed by learned Sub Judge-VIII, Gaya in Title Suit No. 28 of 2017/189 of 2017 by which the petition of the intervenor/defendant/respondent no. 6 has been allowed.

Petitioner is the plaintiff of the suit. The plaintiff filed the suit for declaration of right title over the suit land, fully described in schedule-1 of the plaint, and restraining the defendant no. 1 permanently from interfering with the possession of the suit land.

Respondent no. 6 filed petition that 1.012 acre of land out of 1.038 acre of the suit land was settled in favour of the intervenor vide Parwana Case No. 07/1987-88 and accordingly the intervenor/defendant no. 6 came in possession by virtue of Parwana and, therefore, he may be impleaded as defendant in the suit as he is a necessary and proper party for just decision of the suit. The learned Sub Judge by the impugned order allowed the



petition of the intervenor and impleaded him as defendant no. 6 in the suit.

The learned counsel for the petitioner submits that the State of Bihar has disputed the correctness of Parwana issued in favour of defendant no. 6 and this fact has not been taken into consideration but I find no force in the submission of the learned counsel for the petitioner on the simple ground that intervenor/defendant no. 6 filed petition along with Parwana by which 1.012 acre of land was settled in his favour in the year 1987-88 and intervenor continued to pay rent and obtained rent receipts. The genuineness of Parwana is to be tested in the suit itself. Therefore, the intervenor is a necessary party and the learned Sub Judge has rightly allowed the petition.

Having considered the facts aforesaid, I do not find any merit in this Civil Misc. petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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