

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.25 of 2018

Suresh Prasad Singh, s/o Late Ramashish Singh resident of Village-
Mahmadpur Annu @ Khauri, P.O.- Ilmas Nagar, P.S.- Khanpur, District-
Samastipur.

... .. Appellant/s

Versus

1. Sahdeo Rai S/o Late Ram Gulam Rai resident of Village- Kanu Bisanpur,
P.O.- Ilmas Nagar, P.S.- Khanpur, District- Samastipur.
2. Gauri Rai S/o Late Khantar Rai resident of Village- Kanu Bisanpur, P.O.-
Ilmas Nagar, P.S.- Khanpur, District- Samastipur.
3. Maya Shankar Prasad Singh, S/o Late Binda Prasad Singh
4. Tara Shankar Singh S/o Siya Ram Singh Both 3 and 4 residents of Village-
Mahmadpur Annu @ Khauri, P.O.- Ilmas Nagar, P.S.- Khanpur, District-
Samastipur.
5. Sri Harinath Rai
6. Sri Baidnath Rai Both 5 and 6 sons of Sri Bhagyanarayan Rai and Both
residents of Village- Kanu Bisanpur, P.O.- Ilmas Nagar, P.S.- Khanpur,
District- Samastipur.
7. Sri Lakhan Rai S/o Late Dhodhai Rai, resident of Village- Kanu Bisanpur,
P.O.- Ilmas Nagar, P.S.- Khanpur, District- Samastipur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 25-08-2018

Heard the learned counsel for the petitioner.

2. The petitioner has filed this civil miscellaneous petition against the order dated 22.08.2017, passed by learned Sub-Judge-1st, Samastipur, in Title Suit No.15 of 2013/166 of 2014 by which petition filed by defendant no.1 that he is not a necessary party and his name be expunged from the cause title of the suit has been dismissed.

3. Learned counsel for the petitioner submits that petitioner is the defendant no.1. Plaintiff filed a suit for declaration of



the sale deed as inoperative, void and collusive. The sale deed is executed by defendant- 3rd set in favour of defendant- 2nd set. The petitioner is not a necessary party in the suit but the petition of the petitioner has illegally been rejected. It is further submitted that petitioner has no manner of concern with the suit and the plaintiff did not seek any relief against the petitioner. It is evident from perusal of the order that earlier defendant no.1 executed a deed of *Bharna* in favour of the plaintiff and with regard to the same land, defendant- 3rd set executed sale deed in favour of defendant- 2nd set. On the basis of such facts, the plaintiff made the petitioner as defendant no.1. The plaintiff also prayed for declaration of title against the defendants. On the facts I find that the learned Sub-Judge-Ist, Samastipur taking into consideration the facts and circumstances rightly dismissed the petition of the petitioner expunging his name.

4. Having considered the aforesaid facts and circumstances, I do not find any merit in this civil miscellaneous petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2018
Transmission Date	NA

