

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.2105 of 2017

=====

Arun Kumar Sinha S/o Late Balmiki Prasad Resident of Mohalla - Kasera Toli, P.S. - Siwan Nagar, District - Siwan, at present residing House No. 667 Sector No. 6, Panchkula, Hariyana.

.... Petitioner

Versus

1. Smt. Gayatri Devi W/o Banwari Lal Agrawal.
2. Most. Kusum Devi W/o Late Pawan Kumar Agrawal
3. Smt. Veena Devi W/o Ashok Kumar Agrawal All are residents of mohalla - Kagji Muhalla - Registry Kuchhari Road, P.S. - Siwan Town, District - Siwan.
4. Ziaul Haque S/o Md. Basir Matauffa Village - Khalispur, P.S. - Siwan (Muffasil), District - Siwan.
5. Mohammad Salauddin Khan
6. Ziauddin Khan
7. Annuddin Khan All are residents of Village - Mudera, P.S. - Hasua, P.O. - Mirganj, District - Gopalganj at present Chapra Road, Naya Bazar, P.S. - Siwan Town, District - Siwan.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Shrivastava
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 28-03-2018

Heard both sides.

The petitioner has filed this Civil Miscellaneous petition against the order dated 21.07.2017 passed in Execution Case No.05/2009 by Munsif 1st, Siwan.

Learned counsel for the petitioner submits that the plaintiff filed the suit against defendants in collusion with each other and got the decree of eviction but the lands, which is subject matter of the aforesaid suit, is in possession of the petitioner. The petitioner has not



been made party in the aforesaid suit. Therefore, the petitioner filed petition under Order 1 Rule 10 of Section 151 C.P.C. in the execution case to implead him. Petitioner being stranger to the suit is not required to be made a party in the execution case. Accordingly, this Civil Miscellaneous petition is devoid of any merit and accordingly dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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

