

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2115 of 2017**

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Sri Sadhu Das @ Sadhu Tanti S/o Late Tulsi Das resident of village - Ucchati,
P.S. - Biraul, District - Darbhanga.

... .. Petitioner

Versus

1. Sri Babu Narayan Sharma S/o Lutan Sharma resident of village - Ucchati,
P.S. - Biraul, District – Darbhanga.
... ..Respondent/Defendant 2nd Set
2. Sri Madhava Dev @ Madhava Tanti S/o Late Tulsi Tanti resident of village -
Uchhati, P.S. - Biraul, District - Darbhanga.

... .. Respondent/Defendant 1st Set

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-10-2018 Heard Mr. Girish Chandra Jha, the learned counsel
appearing on behalf of the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 13.09.2017, passed by the learned Additional District Judge, 2nd, Benipur in Title Appeal No.15 of 2013 by which the petition of the petitioner filed under Order I Rule 10 for impleading Jagdish Tanti as Respondent 3rd Set has been rejected.

The petitioner is respondent no.1 in Title Appeal No.15 of 2013. During the pendency of the suit, the petitioner executed sale deed with regard to a piece of land in favour of Jagdish Tanti. The suit was decreed. During the pendency of the appeal, the petitioner-respondent no.1 filed petition for



impleading Jagdish Tanti, the purchaser of the land, as a party for just decision of the case but the same has been rejected on the ground that the land sold by the petitioner in favour of Jagdish Tanti is not the subject matter of the suit and the appeal arising out of the judgment and decree passed in the suit.

Considering the facts that since the land sold by respondent no.1-petitioner is not the subject matter of the suit and Jagdish Tanti is not at all necessary/proper party for just decision of the case, I find that the learned Additional District Judge, 2nd, Benipur, Darbhanga has rightly dismissed the petition of the petitioner filed under Order I Rule 10 of the CPC.

Consequently this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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