

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1143 of 2018

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1. Ved Prakash @ Gyan Prakash, Son of Bhagwat Prasad, Resident of Village- Govindpur, P.S.- Harsidhi, District- East Champaran.

.... Petitioner

Versus

1. Ganesh Sah, Son of Saryug Sah,
2. Panalal Sah,
3. Amresh Sah, Both sons of Ganesh Sah, All three are Resident of Village- Govindpur, P.S.- Harsidhi, District- East Champaran.
4. Most. Sushila Kunwar, Wife of Late Vishwanath Sah, D/o Shankar Sah, Resident of Village- Govindpur Bazar, P.S.- Harsidhi, P.O.- Govindpur Bazar, District- East Champaran.
5. Smt. Mandavi Devi, Wife of Shri Harishankar Prasad, D/o Late Shankar Sah, Resident of Village- Laxmipur, Laukhan, P.O.- Laukhan, P.S.- Ghorasahan, District- East Champaran.
6. Smt. Shanti Devi, Wife of Shambhupta Gupta, D/o Shankar Sah, Resident of Village- Laxmipur, Laukhan, P.O.- Laukhan, P.S.- Ghorasahan, District- East Champaran.
7. Most. Sarswati Kunwar, Wife of Late Ramdeo Sah, D/o Late Shankar Sah, Resident of Village- Latihanwa, P.O.- Chhoradano, P.S.- Adapur, District- East Champaran.
8. Smt. Tara Devi, Wife of Rajeshwar Prasad, D/o Late Shankar Sah, Resident of Kumar Dobi, Dhanbad, P.S.- Kumardobi, District- Dhanbad, at present at & P.O.- Govindpur Bazar, P.S.- Harsidhi, District- East Champaran.
9. Most. Dropati Kunwar, W/o Late Shambhu Prasad, D/o Late Shankar Sah, Resident of Village- Mirganj, South Mohalla- P.S.- Mirganj, District- Gopalganj.
10. Smt. Indu Devi, Wife of Pramod Prasad, D/o Shankar Sah, Resident of Sitamarhi, P.O. & P.S.- Sitamarhi, District- Sitamarhi.
11. Smt. Bimal Devi, Wife of Rameshwar Prasad, D/o Late Shankar Sah, Resident of Raili Bazar, Rampur, P.O. & P.S.- Ramnagar, District- West Champaran.
12. Smt. Puspa Devi, Wife of Shivji Prasad, D/o Late Shankar Sah, Resident of Village & P.O.- Bisauli, P.S.- Sahatwar, District- Balia, (Uttar Pradesh).
13. Shri Bhagwat Prasad Nirala, Son of Late Shankar Sah,
14. Smt. Maya Devi, Wife of Shri Bhagwat Prasad Nirala,
15. Pawan Kumar,
16. Priti Kumar, Both minor son and Daughter of Bhagwat Prasad, under his natural guardianship and friend Bhagwat Prasad, All Residents of Village- Govindpur Bazar, P.S.- Harsidhi, P.O.- Govindpur Bazar, District- East Champaran.
17. Smt. Premlata Devi, Wife of Shatrudhan Prasad, Daughter of Bhagwat Prasad, Resident of Village & P.O.- Gurwalia, P.S.- Manuapul, District- West Champaran, at present Govindpur Bazar, P.O.- Govindpur, P.S.- Harsidhi, District- East Champaran.
18. Smt. Pramila Devi, Wife of Ramadhar Prasad, D/o Bhagwat Prasad Nirala, Resident of Village & P.O.- Bariapur, P.S.- Bariyarpur, District-



Kalaiya (Nepal), at present Village & P.O.- Govindpur Bazar, P.S.- Harsidhi, District- East Champaran.

19. Smt. Pratima Devi, Wife of Anil Kumar @ Munnaji, D/o Bhagwat Prasad Nirala, Resident of Village- Siswan, P.O. & P.S.- Gangpur, District- Siwan, at present P.O.- Govindpur Bazar, P.S.- Harsidhi, District- East Champaran.
20. Yogendra Prasad, Son of Late Chhote Lal Prasad, Resident of Govindpur Bazar, P.O.- Govindpur Bazar, P.S.- Harsidhi, District- East Champaran.
21. Bibi Afsana Khatoon, Wife of M. Sarfaj Alam,
22. Bibi Saira Khatoon, Wife of Barmullah Mian, Both residents of Village & P.O.- Govindpur Bazar, P.S.- Harsidhi, District- East Champaran.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 27-09-2018

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 16.04.2018 passed by Sub-Judge, Areraj, East Champaran, in Title Suit No.901 of 2012, by which the petition filed under Order 1 Rule 10(2) of the Code of Civil Procedure of the respondent nos. 1 to 3 have been allowed.

Learned counsel for the petitioner submits that plot no.599 is included in the suit property but descendents of Gati Sah sold the land in favour of the plaintiff and defendant of the suit and they are in possession of the land. Therefore, the interveners are not necessary parties in the suit but from perusal of the order itself it appears that neither the plaintiff nor the defendant



produced any chit of paper to show that the Khata no.17, Khesra no.599 was sold in favour of the plaintiff and defendant at any point of time. Admittedly, the plot no.599 of Khata no.17 stands in the name of Gati Sah and respondent nos. 1 to 3 are grandsons of Gati Sah, therefore, they are necessary parties in the suit. The learned Sub-Judge has rightly allowed the petition of respondent nos.1 to 3 to be impleaded as defendants in the suit.

Accordingly, I do not find any jurisdictional error in the order impugned and this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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