

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21150 of 2013

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1. Dr. Sachidanand Son Of Late Ram Keshwar Ram Resident Of Village - Ajwan, P.S. - Naubatpur, District - Patna
 2. Raghu Nath Shukla Son Of Late Satyadeo Shukla Resident Of Village - Shuklapura, P.S - Ara, District - Bhojpur, At Present Resident Of Mohalla - Rajeev Nagar (West 24), P.S. - Rajeev Nagar, District - Patna - 24

.... Petitioners

Versus

1. Md. Kutubuddin Son Of Md. Masood Alam Resident Of Village - Ashopur, P.O. - Khagaul, P.S. - Danapur, District - Patna
2. Md. Saif Alam All S/o late Md. Khursid Alam All R/o Village- Ashokpur, P.O. Khagaul, P.S. Danapur, Present Address- Kachari Mohalla- Phulwari sharif, P.S. Phulwari Sharif District- Patna.
3. Md. Sonu
4. Mr. Farooqa
5. Md. Adil
6. Nazra Khatoon W/o Aftab Alam, D/o late Md Khurshid Alam R/o Village- Ashokpur, P.O. Khagaul, P.S. Danapur, Present Address- Kachari Mohalla Phulwari -Sharif, P.S Phulwarisharif, District- Patna.
7. Firdos Alam

.... Respondents

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Ojha, Advocate
For the Respondents : Mr. Md. Sabbir Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

7 10-01-2018 This application has been filed to quash the order dated 17.07.2013 passed by learned Sub Judge-2nd, Danapur in Title Suit No.215 of 2004 whereby and whereunder the learned Sub Judge rejected the petition filed by this petitioners under Order 1 Rule 10 read with Section 151 of the CPC.

2. Heard learned counsel for the petitioners as well as the respondents.



3. It appears that the petitioner no.1 purchased 1 kathas 10 dhurs of land from one Baban Singh by virtue of registered sale deed dated 22.07.2002. The vendor of petitioner no.1 had purchased the land from Dharmdeo Singh by virtue of registered sale deed dated 09.12.1998. The said Dharmdeo Singh had filed Title Suit No.215 of 2004. The said plaintiff had earlier transferred some land to Brij Kishore Singh by virtue of registered sale deed dated 07.11.1998 and Brij Kishore Singh executed sale deed on 30.05.2005 in favour of these petitioners. The petitioners have also filed title suit no.269 of 2016 in the court of Sub Judge-Ist, Danapur. The petitioners have filed this case without impleading their vendor or the plaintiff of said title suit no.215 of 2004 as party to this application. The petitioners have not filed the copy of plaint of aforesaid Title Suit No.269 of 2016 to show as to in what manner the petitioners would be prejudiced.

4. The contention of learned counsel for the respondents is that this writ application itself is not maintainable on account of non-impleading the plaintiff and their vendor as party to this writ application. The petitioners have already filed title suit no.269 of 2016 for adjudication of their right and title. The court below considering all these facts has rightly rejected the petition.

5. In view of the above facts, I do not find any illegality



in the impugned order. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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