

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14601 of 2014

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Jagdish Narayan Singh S/o Late Devnandan Singh, Resident of Village Mahuani, Post Saidpur Jhaua, Police Station Avtar Nagar, District Saran.

.... Petitioner

Versus

1. Mostt. Singaria Kuer W/o Late Misri Lal Rai
2. Mokhtar Rai S/o Misri Lal Rai
3. Arun Kumar Sinha @ Narendra S/o Late Devnandan Singh
All Resident of Mahuani, P.S. Avtarnagar, District Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Advocate
Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr. Yashraj Bardhan, Advocate
Mr. Prakash Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 13-03-2018 The plaintiff of Title Suit No.384 of 2000 pending in the Court of Munsif II, Chapra has filed this writ application for quashing the order dated 23.07.2014. The learned Munsif as per impugned order allowed the intervener's petition filed under Order 1 Rule 10 of the C.P.C. and impleaded the respondent no.3 as defendant to the suit.

2. Heard learned counsel for the petitioner and the respondents.

3. The petitioner filed the aforesaid suit for partition of suit property mentioned in Schedule I of the plaint. As per the case of the petitioner, the said land was acquired by him by virtue of registered sale deed dated 14.06.1941, 31.01.1984 and



12.08.1983. The petitioner was in joint possession with the co-sharer of his vendor and on account of inconvenience in joint cultivation he has filed the suit for partition of said land. The intervener being full brother of the petitioner filed a petition for impleading him as party to the suit. The intervener has asserted that the land was acquired with the aid of joint family fund so he is necessary party to the suit and he has rightly been impleaded as party to the suit.

4. On perusal of the application and its enclosures, I find that the land in question was acquired in the year 1941. The learned counsel for the petitioner on query disclosed the age of this petitioner as 13 years on the date of said acquisition i.e. 1941. The case of the intervener-defendant is that the said land was acquired by the joint family in the name of the petitioner. The petitioner has filed partition suit against his vendor and his co-sharer for carving out a separate patti with respect to the said purchased land. The suit has been filed after 60 years of the said purchase. The court below considering the acquisition prima facie by the aid of joint family fund has impleaded the intervener as necessary party. The court below considering the nature of claim of the intervener has rightly impleaded him as party to the suit.

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



jurisdictional error in allowing the intervener’s petition. This writ application is devoid of merit and is accordingly dismissed.

Harish/-

(Sanjay Kumar, J)

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