

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6864 of 2014

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Jairam Singh S/o Late Jagarnath Singh, Resident Of Village - Nehalpur, P.S. - Belaganj, District – Gaya.

.... Petitioner/s

Versus

1. Mr. Tulsi Singh S/o Late Yamuna Singh, Resident Of Village - Nehalpur, P.O. - Neuri, P.S. - Belaganj, District - Gaya
 2. Satish Kumar S/o Late Rajeshwar Singh, Resident Of Village - Nehalpur, P.O. - Neuri, P.S. - Belaganj, District - Gaya
 3. Santosh Kumar S/o Late Rajeshwar Singh, Resident Of Village - Nehalpur, P.O. - Neuri, P.S. - Belaganj, District - Gaya
 4. Yogendra Prasad Son of Late Alakhdeo Singh, Resident Of Village - Nehalpur, P.O. - Neuri, P.S. - Belaganj, District - Gaya
 5. Birendra Singh Son of Late Alakhdeo Singh, Resident Of Village - Nehalpur, P.O. - Neuri, P.S. - Belaganj, District - Gaya
 6. Pankaj Kumar Son of Late Nagendra Singh
 7. Umeshwar Singh Son of Late Sarju Singh
 8. Nawal Kishore Singh Son of Late Sarju Singh
 9. Ashok Singh Son of Late Prem Narayan Singh
 10. Akhilesh Singh
 11. Navlesh Singh
 12. Gajendra Singh
 13. Rajendra Singh
 14. Ravindra Singh All Sons of Late Ramji Singh
 15. Om Prakash Singh Son of Late Ranjeet Singh
 16. Ajit Singh Son of Late Ram Anugrah Singh
 17. Ram Vijay Singh Son of Late Ram Anugrah Singh
 18. Naveen Sharma Son of Late Ram Jatan Sharma,
- All Residents of Village-Nehalpur, P.O. Neuri, P.S. Belaganj, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Bindhachal Singh, Niranjana Kumar and Santosh Kumar

For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 30-01-2018

This application has been filed to set aside the order dated 23.08.2013 passed by learned Munsif-III, Gaya in T.S. No. 35 of 2011 whereby and whereunder the respondent nos. 2 and 3 were



impleaded as party to the suit.

2. Heard learned counsels for the petitioner as well as the respondents.

3. The petitioner purchased 16 decimal land of plot no.280 from one Yogendra Prasad by virtue of registered sale deed no.18820 dated 21.11.2000. He filed Mutation Case No. 90 of 2002 and his name was mutated over the said land. After 10 years of said purchase, one Tulsi Singh started claiming 3 decimal land out of said 16 decimal land which was purchased by the petitioner. The said Tulsi Singh filed an application before the Circle Officer for mutation. The Circle Officer rejected the mutation application, but Tulsi Singh was shown in possession of 3 decimal land of said plot. The petitioner filed Bihar Land Dispute Redressal Case No. 63 of 2011-12 against the said order which after hearing was allowed as per order dated 28.09.2011. Thereafter, the said Tulsi Singh filed T.S. No. 35 of 2011 before the court below for declaration of registered sale deed dated 21.11.2000 in the name of this petitioner with respect to 3 decimal land as illegal and also for declaration of his title over 3 decimal land. The respondent nos. 1, 2 and 3 filed an application under Order I Rule 10 read with section 151 of Code of Civil Procedure for impleading them as party to the suit, which after hearing was allowed.

4. Learned counsel for the petitioner submits that the



intervenors-respondents have no right title or interest over any portion of the suit land. They are quite stranger to the suit. The actual dispute is between the plaintiff and this petitioner who had purchased 16 decimal land by virtue of registered sale deed dated 21.11.2000 and so the intervenors are not necessary party to the suit. The court below without appreciating the issues involved in the suit, has impleaded the respondent nos. 2 and 3 as party to the suit and so the impugned order is fit to be set aside.

5. The learned counsel for the respondents on the other hand submits that the land was acquired by the petitioner with the fund contributed by the father of intervenor-respondents and so they have interest in the suit property and are necessary party to the suit.

6. On perusal of documents on record and in view of submission of both sides, I find that the claim of the petitioner is based on registered sale deed dated 21.11.2000 under which he had purchased 16 decimal land. The plaintiff had filed suit for declaration of his title with respect to 3 decimal land out of the land purchased by this petitioner under the aforesaid sale deed. Intervenors-respondents claim the suit land as their joint family property. This issue is not at all required to be adjudicated. The petitioner and plaintiff are claiming their title over the land in question. The learned court below is not required to examine the right and title of intervenors-respondents in



the suit property. The intervenors-respondents even if have any interest, they are at liberty to file a suit for their relief against this petitioner.

7. In view of above facts, the impugned order dated 23.08.2013 passed by learned Munsif-III, Gaya in T.S. No. 35 of 2011 impleading the respondent nos. 2 and 3 as party to the suit is not sustainable and the same is set aside.

8. This application is accordingly allowed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06/02/2018
Transmission Date	

