

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20875 of 2010

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1. Rabul, Son of Late Bakruddin @ Backi Mian,
 2. Mabud, Son of Late Bakruddin @ Backi Mian,
 3. Sakil, S/o Late Lulhi @ Lal Mohan Mian,
 4. Most Tara Khatoon Wife of late Idrish
 5. Munera Khatoon (Major) D/o of Idrish
 6. Khalid Ansari(Major) Son of late Idrish
 7. Razbana, Daughter of Late Atabul,
 8. Rohana, Daughter of Late Atabul,
 9. Aainul, Sonof Late Bucki @ Bakruddin Mian, All resident of Mohalla-Masuriya, Ward No.11, under Banka Nagar Panchayat, P.S. and District-Banka.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Banka
2. Anchal Adhikari, Banka
3. Sumiti Chaudhary, Wife of Late Birendra Kr. Chaudhary,
4. Prakash Jaiswal,
5. Bikramjee Chaudhary,
6. Sanjeev Chaudhary, 3(b) to (e) are S/o Late Birendra Kr. Chaudhary,
7. Vandana Jaiswal, D/o Late Birendra Kr. Chaudhary,
8. Sudhish Chaudhary,
9. Amarendra Kumar Choudhary, S/o Late Hari Kishun Choudhary, Both Resident of Village- Deoda, Banka Nagar Panchayat, Ward No.3/11, P.S. and District-Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Jha Advocate
For the Respondent nos.3 & 4 : Mr. Dhirendra Kumar, Advocate
For the State of Bihar : Mr. Upendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-08-2018

Petitioners before this Court are plaintiffs of Title Suit No.48 of 2006 pending in the Court of Sub Judge-Ist, Banka. They have filed this application for quashing the order dated 08.09.2010 whereby and whereunder the intervenor petition filed by respondent



nos.3 and 4 to implead them as party to the suit was allowed.

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

3. It appears that the petitioners before this Court filed the aforesaid Title Suit No.48 of 2006 for declaration of their right over the land mentioned in schedule-1 of the plaint. The said land stands recorded in the name of State of Bihar. The plaintiffs have sought relief for declaration that the survey entry made in the name of State of Bihar is wrong, illegal and not binding on the plaintiffs. The defendants State of Bihar appeared and filed written statement. The intervenor respondent nos.3 and 4 filed a petition before the court below asserting that they have right, title and interest over some of the land in dispute. They had filed Title Suit No.98 of 1985 against the State of Bihar which was decreed as per judgment dated 30.03.1988 and decree dated 11.04.1988. The said decree is contested decree. The present petitioners who are plaintiffs of Title Suit No.48 of 2006 have filed the suit knowing full well that the suit filed by the intervenor respondents was decreed in their favour. The suit land in present suit was also the subject matter of T.S. No. 98 of 1985 which has been decided in favour of intervenor respondents. The learned court below considering the interest of intervenor-respondents have rightly impleaded them as party to the suit.



4. In view of above facts, I do not find any error in the impugned order. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.08.2018
Transmission Date	N/A

