

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.761 of 2016**

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Anil Kumar Singh

.... Petitioner/s

Versus

Ranju Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abinash Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 04-09-2018 Heard learned counsel for the petitioner and the learned
counsel for the respondent No.1.

The petitioner filed this civil miscellaneous petition against the order dated 08.06.2016 passed by Sub Judge IV, Darbhanga in Misc. Case No.9 of 2014 by which the petition filed under Section 47 of the Code of Civil Procedure has been admitted for hearing.

The petitioner is the decree holder. The petitioner filed Title Suit No.2 of 1987 against Jeetandra Singh, defendant No.1. The vendor of the petitioner was proforma defendant No.4 in the suit. The plaintiff, Jai Gobind Singh claimed the land of his own and asserted that Jeetandra Singh trespassed on his land. The suit was decreed. The plaintiff filed execution case. The respondent came to know about the execution case and filed petition under Section 47 of the Code of Civil Procedure being the representative



in the interest of defendant No.4.

The case of the respondents is that a Partition Suit No.29 of 1966 was filed by four brothers of Jai Gobind Singh. The fourth brother was Dr. Lal Gobind Singh and defendant No.4, the proforma defendant of Title Suit No.2 of 1987 was the son of Dr. Lal Gobind Singh, the brother of Jai Gobind Singh. The suit property of Title Suit No.2 of 1987 fell in the share of Dr. Lal Govind Singh in Partition Suit No.29 of 1966. Thereafter, defendant No.4 sold the land to the petitioner. Therefore, the respondent filed the petition being the representative in the interest of the defendant No.4 and the petition has rightly been admitted.

Having considered the facts, I find that petitioner is not a stranger to the suit rather the petitioner is purchaser from defendant No.4 in whose share the suit land fell by virtue of judgment and decree passed in Partition Suit No.29 of 1966.

Therefore, I do not find any merit in this civil miscellaneous petition. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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