

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.501 of 2017

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1. Kamaruddin Sah son of Late Islam Sah Resident of Village - Sidhariya,
Police Station - Kateya, District - Gopalganj.

.... Appellant/s

Versus

1. Anwar Ansari @ Anwar Ali Ansari son of Nasrullah Ansari resident of
Village - Sidhariya, Police Station - Kateya, District - Gopalganj.
2. Reyazul Haque son of Late Md. Hussain Sah Resident of Village -
Sidhariya, Police Station - Kateya, District - Gopalganj.
3. Rajendra Singh son of Tirthram Singh Punjabi Resident of village -
Ghirnichak, Police Station - Kateya, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner.

The petitioner has filed this Civil Miscellaneous petition against the order dated 28.11.2016 passed by learned Sub Judge-IX, Gopalganj in Final Decree Case No. 467 of 2003 by which the learned Sub-Judge allowed the petitions filed for impleading the names of respondents on the ground that they are purchasers from the vendor of legal heirs of Kurban Ali.

Learned counsel for the petitioner submits that one of the respondents who filed the petition on 29.02.2016 is the purchaser of share of Habib Ansari, who also had filed a petition to be impleaded in the suit, but the same was dismissed on account



of non-prosecution. Therefore, the respondents are not necessary parties in the final decree, but it appears that Kurban Miyan had two sons, namely, Mohabbat Miyan and Habib Miyan. The four daughters of Kurban Miyan executed the sale deed in favour of the respondents and another son of Kurban Miyan also executed the sale deed in favour of respondent, therefore, it appears that respondents are necessary party and the learned Sub-judge has rightly allowed them to be impleaded in suit to protect their interest.

In this view of the fact, I find no illegality in the order impugned impleading vendees as defendants in the suit. Accordingly, this Civil Miscellaneous petition is dismissed.

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(Prabhat Kumar Jha, J)

