

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9603 of 2011**

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Sunaina Devi wife of Sri Baijnath Mahto, resident of mohalla-Musallahpur,  
Chaintola, PS and PS-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

Ganesh Mahto & Anr

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abinash Kumar, Adv.

For the Respondent/s : Mr. Mahesh Narayan Parbat, Sr. Adv.

Mr. Ved Prakash Srivastava, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL JUDGMENT**

**Date : 03-12-2018**

This application has been filed for quashing the order dated 13.10.2006 passed by Sub-Judge-II, Patna in Title Suit No.311 of 1994 whereby and whereunder prayer of the petitioner to implead her as party to the suit was rejected.

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

3. The respondent no. 1 filed the aforesaid suit for declaration that the sale deed dated 23.07.1993 executed by his father in favour of Lalti Devi, who is wife of plaintiff, is void, showy, fraudulent and no title passed in her favour. The father of the plaintiff executed sale deed in favour of Lalti Devi on 23.07.1993 with respect to his 1/3rd share.

4. It has been submitted that the plaintiff, during the pendency of injunction petition filed by the defendant to restrain the plaintiff from executing sale deed with respect to land covered



by the sale deed dated 23.07.1993 of the defendant, has executed the sale deed in favour of the petitioner. The suit was filed in the year 1994 and the plaintiff executed sale deed in favour of the petitioner on 26.06.2000. The plaintiff has already examined his witnesses and when the case was fixed for evidence of defendants, this petitioner suddenly appeared and filed petition under Order I Rule 10 of Code of Civil Procedure. The learned court below while rejecting her prayer has observed that sale deed of the petitioner is hit by principles of *lis pendens*. The petitioner has not alleged that his vendor is not contesting the suit. The vendor of the petitioner is contesting the suit and so the petitioner is not prejudiced in any way.

5. In view of above discussions, I do not find any merit in this writ application requiring any interference in the impugned order.

6. This application is accordingly dismissed.

(Sanjay Kumar, J)

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