

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13017 of 2014

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Mritunjay Prasad Singh @ Mritunjay Prasad @ Mritunjay Singh S/o Late
Bishwanath Singh Resident of Village Kothayan, P.S. Jalalpur, District Saran
(Chapra).

.... Petitioner/s

Versus

1. Sheojee Deota, Dhobawal Dhup Nagar Mathiya through Ram Kripal Singh S/o
Ram Sewak Singh Resident of Village Dhobawal, P.S. Jalalpur, District Saran
(Chapra).
2. Ram Kripal Singh S/o Ram Sewak Singh Resident of Village Dhobawal, P.S.
Jalalpur, District Saran (Chapra).
3. Lakshuman Rai S/o Banarasi Rai Resident of Village Dhup Nagar, P.O. Dhup
Nagar Dhobawal, P.S. Jalalpur, District Saran (Chapra).
4. Raj Roshan Rai S/o Sheo Ratan Rai Resident of Village Dhup Nagar, P.O.
Dhup Nagar Dhobawal, P.S. Jalalpur, District Saran (Chapra).
5. Gautam Pandit S/o Raghubir Pandit Resident of Village Dhup Nagar, P.O.
Dhup Nagar Dhobawal, P.S. Jalalpur, District Saran (Chapra).
6. Ramadhar Singh S/o Rajendra Singh Resident of Village Dhup Nagar, P.O.
Dhup Nagar Dhobawal, P.S. Jalalpur, District Saran (Chapra).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Advocate
For the Respondent/s : Mr. Birendra Nath Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-08-2018

This application has been filed by the defendant no.2 of
Title Suit No.97 of 1980 for setting aside the order dated 13.03.2014
passed by Sub Judge-VI, Saran at Chapra whereby and whereunder
the court below impleaded the respondent nos.3 to 6 as plaintiffs to
the suit.

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

3. It appears that the Title Suit No.97 of 1980 was filed by



Deity through some of the plaintiffs in representative capacity in the year 1980. The case is pending for evidence. During the trial a petition purported to have been filed by the plaintiffs on 06.03.2000 under Order 1 Rule 8 CPC. The court below after hearing the parties allowed the petition and impleaded the respondent nos.3 to 6 as plaintiffs.

4. On going through the impugned order and documents annexed with this writ application, I find that some of the villagers asserting themselves to be representative of local people filed a petition on 06.03.2000 for impleading them as party to the suit which after hearing was rejected on 24.08.2001. Thereafter one of them namely, Laxman Rai filed a petition on 07.01.2005 praying therein to implead four persons in the category of plaintiffs. This petition has been filed by the stranger to the suit. The petitioner Laxman Rai is neither plaintiff nor the defendant of the suit. There is no allegation that the present plaintiffs being representatives of public are not prosecuting the suit properly which was filed in the year 1980. The defendants appeared and filed written statement and the case is running for evidence of the parties. The court below has not granted leave to the respondent nos. 3 to 6 to represent the public in general as provided under order 1 Rule 8 of CPC. The plaintiffs are representing the local people since the year 1980. The order of the court below is



against material on record in view of the fact that the said petition was not filed by any of the plaintiffs rather by those persons who are stranger to the suit. The court below had rejected such prayer at earlier stage also as per order dated 24.08.2001.

5. In view of above fact, the impugned order impleading the respondent nos. 3 to 6 is not sustainable and is set aside. This writ application is allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
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