

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8990 of 2012

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Vijay Kumar son of Suresh Prasad resident of Village-Bishanpur Prant, Police Station-Town, District-Begusarai.

.... Petitioner

Versus

1. Mousami Kumari daughter of Bipin Kumar Singh resident of Village-Chhitaur, Police Station-Motihari, District-Begusarai
2. Chandani Kumari daughter of Bipin Kumar Singh resident of Village-Chhitaur, Police Station-Motihari, District-Begusarai
3. Kum-Kum Devi wife of Shiv Shankar Prasad Singh resident of Village-Chhitaur, Police Station-Motihari, District-Begusarai
4. Madhuri Devi wife of Hjariu Shankar Prasad Singh resident of Village-Chhitaur, Police Station-Motihari, District-Begusarai
5. Bipin Kumar Singh son of late Tej Narayan Singh resident of Village-Mirjapur Bandaur @ Bishanpur Paratha, Police Station-Town, District-Begusarai
6. Shiv Shankar Prasad Singh son of Uday Shankar Prasad Singh resident of Village-Mirjapur Bandaur @ Bishanpur Paratha, Police Station-Town, District-Begusarai
7. Hari Shankar Prasad Singh son of Uday Shankar Prasad Singh resident of Village-Mirjapur Bandaur @ Bishanpur Paratha, Police Station-Town, District-Begusarai
8. Smt. Ramasakhi Devi wife of Suresh Prasad resident of Village-Mirjapur Bandaur @ Bishanpur Paratha, Police Station-Town, District-Begusarai
9. Smt. Kamla Devi wife of Umesh Prasad resident of Village-Mirjapur Bandaur @ Bishanpur Paratha, Police Station-Town, District-Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 26-10-2018

This writ application has been filed for quashing the order dated 25.01.2012 passed by learned Subordinate Judge V, Begusarai in Title Suit No.140 of 1993 whereby and whereunder the learned court below refused to implead the petitioner as party to the suit.

2. Heard learned counsel for the petitioner. Nobody



appeared for the respondents.

3. It appears that the respondent nos.1 to 4 filed the aforesaid suit against Anupi Devi and others for declaration of their title over the disputed land on the basis of sale deed dated 25.04.1990 executed by Anupi Devi in their favour. The trial proceeded and when the case was pending for argument, this petitioner filed a petition under Order I Rule 10(2) of CPC praying therein to implead him as party to the suit. The learned court below after hearing the petitioner rejected his prayer.

4. It has been submitted that the defendant no.1 Anupi Devi died leaving behind two daughters, namely, Ramsakhi Devi and Kamla Devi. This petitioner happens to be the only son of Ramsakhi Devi. The said Anupi Devi bequeathed her entire property to the petitioner and as per her desire this petitioner came in possession over the said land and so this petitioner is necessary party to the suit.

5. On going through the impugned order and documents on record, I find that after the death of Anupi Devi her two daughters have been impleaded as party to the suit. The daughters of Anupi Devi are respondent nos.8 and 9 before this court. The plaintiffs have filed the suit for declaration of their title on the basis of registered sale deed which was executed by said Anupi Devi. After her death, her estate is represented by her two daughters. This petitioner claims title over the



land on the basis of Will which is unprobated. The said Anupi Devi is being represented by her two daughters. The case is at the stage of argument and so the court below in order to avoid multiplicity of litigation has rightly rejected the petition.

6. In view of above discussions, I do not find any merit in this writ application and is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.10.2018
Transmission Date	

