

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.418 of 2016**

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Rampukar Ram Son of Gharbharan Ram Resident of village & P.O. Mahuli,  
P.S. Arrah Muffasil, District - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar through District Magistrate - Cum - Collector, Bhojpur, Arrah
2. Dina Nath Goshain Chela Shiyaram Goshain
3. Ravindar Kumar Shrivastva Son of Ram Kumar Lal
4. Bipin Kumar Shrivastawa Son of Ram Kumar Lal
5. Shipin Kumar Shrivastwa Son of Ram Kumar Lal All Resident of village - Basantpur, P.S. Arrah Muffasil, District Bhojpur
6. Upendar Singh Son of Gopal Jee Singh
7. Gopal Jee Singh Son of Late Paras Singh All both Resident of village - Karja, P.O. Mohanpur Karja, P.S. Ara Muffasil, District - Bhojpur
8. Kalawati Devi Wife of Motilal Shah Resident of village - Dhobaha, P.S. Arrah Muffasil, District - Bhojpur
9. Shri Mati Mandvi Sukla Wife of Raghubanas Sukla Resident of village - Sukulpura, P.S. Arrah Muffasil, District - Bhojpur
10. Shri Mati Shanti Devi Wife of Onkar Nath Singh Resident of village & P.O. Mahuli, P.S. Arrah Muffasil, District - Bhojpur
11. Shri Mati Kamla Devi Wife of Vijai Shankar Singh Resident of village & P.O. Mahuli, P.S. Arrah Muffasil, District - Bhojpur
12. Timil Ram Son of Sukh Ram Ram
13. Ashok Ram Son of Timil Ram Both Resident of village - Mohanpur, P.S. Arrah Muffasil, District - Bhojpur

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ram Lallan Singh  
For the Respondent/s : Mr. Ga10- Smt.Nivedita Nirvikar

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

6      26-11-2018                      Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The petitioner has filed this Civil Misc. petition against the order dated 18.04.2016 passed by learned Sub Judge-14, Bhojpur, Ara in Title Suit No. 37 of 1986 by which the learned Sub Judge rejected the petition of the petitioner for impleading the purchasers from the defendants, during the pendency of the suit, as defendants in the suit on the ground that



petitioner filed the petition for impleading them as defendants at very belated stage and, thus, wanted to delay the disposal of the suit.

The learned counsel for the respondents submits that the suit is of the year 1986 and the petitioner filed the petition for impleadment of the purchasers from the defendants after much delay but I find that the suit is for specific performance of contract. During the pendency of the suit defendants No. 6, 7, and 8 sold properties and therefore the purchasers are necessary party in the suit for specific performance of contract in which the defendants executed sale deed in favour of the purchasers. The purchasers are entitled to defend their interest as the vendors may not pursue the case with same interest after selling the properties during the pendency of the suit. Thus, I find that the learned Sub Judge has committed jurisdictional error in rejecting the petition of the plaintiff for impleading the purchasers as defendants in the suit. Accordingly, the order dated 18.04.2016 passed by learned Sub Judge-14, Bhojpur, Ara in Title Suit No. 37 of 1986 is set aside and the purchasers from the defendants are impleaded as defendants in the suit. This Civil Misc. petition is, accordingly, allowed.

The learned Sub Judge is directed to take steps for early disposal of the suit.

**(Prabhat Kumar Jha, J)**

BKS/-

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