

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.948 of 2018

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1. Deo Narayan Paswan, S/o Late Adhik Lal Paswan,
2. Sanjay Paswan, S/o Late Adhik Lal Paswan,
3. Kanhaiya Paswan, S/o Late Adhik Lal Paswan,
4. Bhulli Paswan, S/o Late Adhik Lal Paswan, All resident of Village-
Madhopada Nishiganj, P.S.- K. Hat, District- Purnea.

.... Appellant/s

Versus

1. Abdul Wahab, S/o Late Abdul Gafur, Resident of Line Bazaar, Kasai Basti, Purnea.
2. Chhedi Choudhary, S/o Late Nunu Choudhary, Resident of Rambag Lali Chawni, P.S.- Sadar, District- Purnea.
3. Surendra Singh, S/o Late Ramdeo Singh, Resident of Katihar More, Khuskibag, P.S.- Sadar, District- Purnea.
4. Atabul Rahman, S/o Nasir Ahmad, Resident of Sajjad Colony, P.S. K Hat district Purnea
5. Mostt. Shiva Devi, W/o Late Achal Das, Resident of Lalai Chawni, P.S.- Sadar, District- Purnea, at present Bibha Jha Clinic, Near NH-31, PS- K. Hat, District- Purnea.
6. Shanti Devi, W/o Shri Lal Mohan Chaudhary, Resident of Mohalla-Rambag, Lalai Chawni, P.S.- Sadar, District- Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shri Nandan Prasad Singh, advocate
Mr. Navesh Nandan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 11-09-2018

Heard the learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against the order dated 31.05.2018 passed by learned Munsif, Sadar, Purnea in Title Suit No. 30 of 2017 by which the learned Munsif allowed respondent No.6 to be impleaded as defendant No.6 in the suit on the ground that defendant No.6 purchased some land from defendant No.4 on 20.01.1999 and the defendant No.6



has got interest in the suit property.

The petitioners are the plaintiffs. The petitioners filed the suit for declaration of the sale deed dated 18.09.1995 executed by Tulia Devi and Gauri Devi in favour of defendant Nos. 1 to 3 and the sale deed dated 15.01.1985 in favour of defendant No.4 as void and not binding on the plaintiffs and also for declaration that the judgement and decree passed in Title Suit No. 127 of 1992 is not binding on the plaintiffs. The plaintiffs further seek declaration of title and confirmation of possession over the half of the suit land situated from eastern side. During the pendency of the suit respondent No.6, Shanti Devi, filed petition under Order VI Rule 10(2) of the Code of Civil Procedure stating therein that defendant No.4, Aatur Rahman, purchased the land from Tiliya Devi, second wife of Ram Khelawan Paswan. The plaintiffs are descendants of Ram Khelawan Paswan borne out from the first wife. Tiliya Devi got her share much prior to the institution of the suit and petitioner/ respondent No.6 purchased land from defendant No.4. The learned Munsif after considering all the facts held that petitioner being purchaser of a piece of land from defendant No.4, who purchased the land from Tiliya Devi, wife of Ram Khelawan Paswan, has got direct interest in the suit property.



The learned counsel for the petitioners submits that the plaintiffs did not seek any relief against respondent No.6 and if Tiliya Devi has got no right to execute the sale deed the vendee of Tiliya Devi shall automatically has no right to execute the sale deed in favour of respondent No.6 but I find that Tiliya Devi, vendor of defendant No.4, was second wife of Ram Khelawan Paswan. The plaintiffs are sons and daughters of first wife of Ram Khelawan Paswan. Tiliya Devi executed sale deed in favour of defendant Nos. 1 to 4 in the year 1985 and 1995. Respondent No.6 purchased the land from defendant No.4 in the year 1999 and the present Suit was filed in the year 2017.

Thus, I find that the learned Munsif has rightly held that respondent No.6 has got direct interest by virtue of sale deed executed by defendant No.4 in her favour much prior to the institution of the suit. Accordingly, I do not find any merit in this Civil Misc. petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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