

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CIVIL MISCELLANEOUS JURISDICTION No.933 of 2018**

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Bipul Kumar Singh, Son of Sudesh Singh, Resident of Mohalla, Bhatha Bazaar  
Tatma Toli, P.S.K. Hat, District - Purnea

.... .... Appellant/s

Versus

1. Sri Bachcha Singh, Son of Late Gulab Singh
2. Srimati Gayatri Devi, wife of Bachcha Singh
3. Shashi Shekharam, Son of Bachcha Singh, All are residents of Mohalla Batta  
Durgabari, P.S.K. Hat, District – Purnea.
4. Gopal Chandra Das, Son of Ram Gulam Das, resident of Mohalla Bhatha,  
Tatma Toli, P.S.K. Hat, District- Purnea
5. Hari Das
6. Sanjay Das
7. Shiva Das
8. Panchoo Das, All are sons of Late Ram Gulam Das, Residents of Mohalla  
Tatma Toli, P.S.K. Hat, District- Purnea
9. Bangali Das, Son of Late Sone Lal Das, resident of Mohalla Bhatha Tatma Toli,  
P.S.K. Hat, District- Purnea

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Vijay Shankar Shrivastava, Advocate  
For the Respondent/s : Mr.

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

**Date: 25-07-2018**

Heard learned counsel for the petitioner.

The petitioner filed this Civil Misc. Petition against  
the order dated 08.01.2018 by which the petition of the petitioner for  
impleading him as party in Execution Case No. 04 of 2011 and



staying further proceeding of Execution Case No. 04 of 2011 till the disposal of Title Suit No. 221 of 2017 and Title Suit No. 242 of 2017 has been dismissed.

Mr Vijay Shankar Srivastava, learned counsel appearing on behalf of the petitioner has submitted that Plot No. 1790 situated in village Maranga belongs to his ancestor and the same was recorded in the name of Rameshwar Singh, the grand father of the petitioner but the decree holder concealing relevant facts got the decree. The execution is pending and the delivery of possession is yet to be delivered but the learned Sub-Judge- I illegally dismissed the petition of the petitioner mainly on the ground that no provision of law has been stated in the petition. It is further submitted that the petitioner filed the petition for resisting the delivery of possession as the house of the petitioner is situated on the disputed land but from perusal of Annexure-1, the petition filed by the petitioner it appears that the petitioner by filing petition on 15.12.2017 prayed that the petitioner be made Intervener in the execution case and till the disposal of Title Suit No. 221 of 2017 and Title Suit No. 242 of 2017, the further proceeding of Execution Case No. 04 of 2011 be stayed. The petitioner, being a stranger, nowhere stated that the petition be disposed of in view of the provision as contained in Order 21 Rule 97 of the C.P.C. Learned Sub- Judge has rightly dismissed the petition of



the petitioner for intervention in Execution Case No. 04 of 2011 and staying the further proceeding of Execution Case No. 04 of 2011.

Having considered the facts, I find no merit in the Civil Misc. petition and accordingly the same is dismissed.

**(Prabhat Kumar Jha, J)**

N.H./- Saurabh

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