

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14318 of 2013

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Shri Ram Chaudhary Son Of Late Bari Narayan Chaudhary Resident Of
Village - Mahdeva, P.S. - Nasriganj, District - Rohtas

... .. Petitioner

Versus

1. Sanjay Kumar Son Of Radhe Shyam Singh Resident Of Mohalla - Lakhnu Sarai, Sasaram, Ward No. 16(Old), Ward No. 21 (New), P.O. And P.S. - Sasaram, District - Rohtas
2. Jagarnath Gosai Son Of Late Narayan Gosai Resident Of Mohalla - Lakhnu Sarai, Ward No. 19, P.S. - Sasaram, District - Rohtas

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Respondent/s : Mr. Rajani Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 17-04-2018

This application has been filed for setting aside the order dated 25.05.2013 passed by learned Munsif-Ist, Sasaram in Title Suit No.23 of 2009 whereby and whereunder the learned Munsif rejected the prayer of the petitioner to try this suit along with Title Suit No.46 of 2009 pending in the same Court.

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

3. It appears that this petitioner filed Title Suit No.46 of 2009 in the Court of Munsif against the respondent. The respondent has also filed a suit bearing Title Suit No.23 of 2009 against Jagarnath Gosai and Sri Ram Chaudhary the plaintiff of Title Suit No.46 of 2009. In both the suit, the parties are same. The petitioner has filed suit for declaration of his title over 2 kathas of plot no.254 of Khata No.71. The respondent has filed Title Suit



No.23 of 2009 for declaration of his title over .605 hectare of plot no.254 and .0100 hectare of plot no.255 of Khata No.71. The plaintiff of both the suits claim to have purchased their land by oral sale from Jagarnath Gosai for a consideration of Rs.96 each. The petitioner has annexed copy of plaint of both the suits.

4. On perusal of plaint, I find that both the suits have been filed for declaration of title over the same plot on the basis of their oral purchase. The controversy between the parties is same and if the said suit are not heard analogously, there is also possibility of a conflicting judgment. The impugned order rejecting the petition for analogous trial of both the suits is therefore not sustainable.

5. In view of above discussions, the impugned order dated 25.05.2013 is set aside and this application is allowed. The court below is directed to hear both the suits together.

(Sanjay Kumar, J)

B.Kr./-

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CAV DATE	
Uploading Date	
Transmission Date	

