

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1192 of 2016

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Raj Kapoor Bhai Patel & Ors

.... Appellant/s

Versus

Ram Charitra Tanti & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr. Jubair Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 16-02-2018

Heard both sides.

The petitioners are aggrieved by the order dated 15.01.2016 passed by learned Sub-Judge-III, Lakhisarai in Title Suit No. 59 of 2013.

The petitioners filed a petition that they purchased 51 decimals of land of khata No.7, Khesra No.7, through three sale deeds dated 25.07.2013, 26.07.2013 and 02.08.2013 from Jagdish Tanti, the sole defendant. Raj Kumar Yadav also purchased land from Ram Charitra Tanti/plaintiff and he has been transposed as plaintiff in the suit but the learned Sub-Judge rejected the petition of the petitioners for being impleaded as intervenors/defendants only on the ground that they have purchased the land during the pendency of the suit.

The learned counsel for the petitioners submits that they purchased entire interest of Jagdish Tanti and, therefore, they are necessary party in the suit.

The learned counsel for the respondents submitted that the petitioners are not required to be made defendants as their purchase shall be hit by doctrine of lis pendense. Raj Kumar Yadav purchased the land before institution of the suit but from



perusal of the order as well as the petition filed by the petitioners and its rejoinder by the plaintiff, it appears that petitioners have purchased the entire interest of Jagdish Tanti, the sole defendant, during the pendency of the suit and the petitioners should have been made party/ defendants in the suit to protect their interest.

Considering the facts aforesaid, I find that the learned Sub-Judge has committed jurisdictional error and illegality in rejecting the petition of the petitioners to be impleaded as intervenors/defendants.

Accordingly, the order dated 15.01.2016 is set aside. This Civil Misc. petition is allowed and the petitioners are allowed to be impleaded as defendants in the suit.

(Prabhat Kumar Jha, J)

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