

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22190 of 2013

=====

Arun Kumar Sharma Son Of Shri Mahesh Sharma Resident Of Sheikhpura,
P.S.- Shastri Nagar, Town & District- Patna

.... Petitioner

Versus

1. Shadhu Saran Singh Son Of Late Ramdeo Singh Resident Of Village-
Poawan, P.S.- Masaurhi, District- Gaya
2. Jai Prakash Nagar Grih Nirman Samiti Limited Through Its Secretary,
Prem Prakash Verma, Son Of Kailash Bihari Verma Resident Of
Ashiana Road, P.S.- Shastri Nagar, Town & District- Patna
3. Smt. Renu Devi Wife Of Suryabhan Singh Resident Of Village-
Karnpura, P.S.- Durgawati, District- Bhabhua (Kaimur)
4. Smt. Indu Devi Wife Of Krishna Nand Singh Resident Of Chandauli
State Of Uttar Pradesh

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate

For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

8 08-02-2018 This application has been filed by the plaintiff of Title

Suit No.01 of 2008 pending in the Court of Munsif-II, Patna for

setting aside the order dated 31.08.2013 whereby and whereunder

the respondent nos.3 and 4 were impleaded as party to the suit.

2. Heard learned counsel for the petitioner as well as the
respondents.

3. The petitioner-plaintiff filed the aforesaid Title Suit
No.01 of 2008 for declaration of his title over the land mentioned
in schedule-2 of the plaint. The plaintiff further sought relief of
decree for recovery of possession if found dispossessed from the



suit property during the pendency of the suit besides some other reliefs. The respondent nos.3 and 5 filed a petition under 1 Rule 10 CPC which after hearing was allowed and they were impleaded as party to the suit.

4. It has been submitted that the intervenor respondent nos.3 and 4 have no right, title or any interest in the suit property and so they are not necessary party to the suit. They have intervened into the matter only to prolong to disposal of the suit. The suit property was acquired by proforma defendant (respondent no.2) by virtue of registered sale deed dated 17.03.1982 from the heirs of land owner. The respondents were in possession of said land. This petitioner (plaintiff) subsequently purchased the said land by virtue of registered sale deed dated 26.11.1988. After purchase, the defendant and his men started creating trouble and so the above Title Suit No.01 of 2008 was filed against the defendant no.1. The intervenor has no right or title over any partition of the disputed land and so they have no right to intervene into the matter. If they assert title over the land in question they could seek relief by filing a separate suit. The learned counsel for the respondents on the other hand has submitted that the land originally belonged to one Sanjiwan Mahto who died leaving behind two sons Indra Singh and Ram Pratap



Singh. Both the brothers separated and partitioned the land of plot no.25 to the extent of half and half. The said Indra Singh got 22 ½ decimal of land from northern side who subsequently gifted in favour of respondent no.1 Shadhu Saran Singh by virtue of registered deed of gift in the year 1975. The respondent no.1 Shadhu Saran Singh came in possession over the gifted property and got his name mutated and paid rent to the State of Bihar. The said Shadhu Saran Singh subsequently executed a power of attorney in favour of Onkar Nath Sinha. The said attorney sold the land in favour of intervenor defendants by virtue of registered sale deed dated 20.08.2007. The intervenor claims to have come in possession over the said land. It has been further submitted that after purchase by the respondent nos.4 and 5, a proceeding under Section 144 of the Cr.P.C. was initiated between the parties. There is bonafide land dispute between the intervenor defendants and the plaintiff. The plaintiff has suppressed all these facts and filed the present suit knowing full well that the respondent no.1 had already transferred 1 kathas land out of suit land to the intervenor defendants. The intervenor defendants are necessary party to the suit.

5. Thus, I find that the court below has not committed any jurisdictional error in impleading the intervenor defendants as



party to the suit. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

U			
---	--	--	--

