

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.734 of 2018

=====

1. Vijay Pratap Singh, son of Late Hanumant Singh, resident of Puraini, P.S. Birpur, District- Supaul.

.... Petitioner/s

Versus

1. Ajay Kumar Singh, son of Late Krishnapal Singh, permanent resident of Puraini, P.S. Birpur, District- Supaul. Presently resident of Inter College Gate, Pratapgarh City Ward No. 9, Pratapgarh, Uttar Pradesh (U.P.).
2. Satish Kumar Singh, S/o Vijendra Narain Singh, R/o Birpur Ward No.3, P.S.-Birpur, District-Supaul.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr. Niranjana Kumar

Mr. Santosh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 25-09-2018 Heard learned counsel for the petitioner and learned counsel for the respondent Nos.1 and 2.

The petitioner filed this civil miscellaneous petition against the order dated 09.02.2018 passed by Sub Judge I, Birpur in Title Suit No.15 of 2015 by which learned Sub Judge I, Birpur dismissed the petition of the plaintiff for impleading Satish Kumar Singh, respondent No.2 as defendant No.2 in the suit.

Learned counsel for the respondents submits that if Satish Kumar Singh, respondent No.2 be impleaded as defendant No.2 in the suit, he has got no objection. The plaintiff also filed the petition for impleading Satish Kumar Singh as defendant No.2. If the plaintiff wants to implead the purchaser as party during the



pendency of the suit, it is prerogatory of the plaintiff to make a person party. Therefore, I find that learned Sub Judge has erroneously rejected the petition of the petitioner-plaintiff.

Accordingly, the order dated 09.02.2018 is set aside, and, this civil miscellaneous petition is allowed. The petition of the plaintiff is allowed for impleading Satish Kumar Singh as defendant No.2.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

