

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.552 of 2017

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1. Rani Begam, wife of Late Md. Imanuddin, resident of Village- Dabdarpur Tole Jangal Belas, Police Station- Janta Bazar, District- Saran at Chapra, presently residing at Mauza- Markan, Police Station- Hussainganj, District- Siwan.

.... Appellant/s

Versus

1. Lavkush Prasad,
2. Dharmendra Prasad,
3. Bhim Prasad,
4. Arjun Prasad, All sons of Late Phulena Prasad deceased plaintiff.
5. Manako, wife of Late Phulena Prasad,
6. Pramdhari Prasad,
7. Raja Ram Prasad,
8. Paricharan Prasad, All sons of Late Dudhnath Mahto deceased plaintiff All resident of Village- Dandaspur, P.O.- Panditpur, Police Station- Janta Bazar, District- Saran.
9. Heera Devi, Wife of Parma Prasad, D/o Dudhnath Mahto, resident of Village- Sitiya, Police Station- Maharajganj, District- Siwan.
10. Lawang Devi, W/o Nathuni Prasad, D/o Late Dudhnath Mahto, resident of Village- Amethi Kund, P.O.- Gopalganj, Police Station- Gopalganj, District- Gopalganj.
11. Susheela Devi, W/o Dinanath Prasad, D/o Late Dudhnath Mahto, resident of Village- Mahauli, P.O.- Mahauli, Police Station- Maharajganj, District- Siwan.
12. Dewanti Devi, W/o Jaychand Prasad, D/o Late Dudhnath Mahto, resident of Village- Haspura Baluwa Tola, P.O.- Sonbarsa, Police Station- Pachrukhi, District- Siwan.
13. Mahabeer Mahto, son of Late Imrit Mahto,
14. Parwati Devi, W/o Chhabila Prasad, D/o Late Satyanarayan Prasad, Both resident of Village- Shekhpura, P.O.- Sahajitpur, Police Station- Baniyapur, District- Saran.
15. Satyadeo Prasad,
16. Ganga Prasad,
17. Shiv Shakar Prasad, All sons of Late Satya Narayan Prasad,
18. Samraji Kunwar, W/o Late Kapildeo Prasad, D/o Late Imrit Mahto, resident of Village- Kampila, P.O.- Maharajganj, Police Station- Maharajganj, District- Siwan. all resident of Mauza- Dandaspur, Post- Panditpur, Police Station- Janta Bazar, District- Saran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER



2 02-11-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this Civil Misc. petition against the order dated 01.03.2017 passed by learned Sub Judge-XII, Saran at Chapra by which the learned Sub Judge dismissed the petition of the petitioner filed under Order I Rule 10 of the Code of Civil Procedure for impleading her as party in Title Suit No. 178 of 2006.

The learned counsel for the petitioner submits that petitioner is a necessary party. The petitioner was impleaded as defendant in Title Suit No. 113 of 1993 and, therefore, she is also a necessary party in the present suit but it appears from the records that the plaintiff filed the present suit for partition of the suit land as the disputed land was recorded in the name of Babu Jan and Babu Jan executed sale deed in favour of Jhaman Mahto on 02.07.1979. The plaintiff and defendants are descendants of Jhaman Mahto. In a suit for partition in which plaintiff claimed the land to be purchased by Jhaman Mahto the petitioner is not a necessary party as the petitioner did not show any chit of paper to have any interest in the property. Therefore, I do not find any jurisdictional error in the impugned order. This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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