

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.732 of 2018**

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

... .. Petitioner/Plaintiff

Versus

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.).

... .. Respondent

Appearance :

For the Petitioner	:	Mr. Shailendra Kumar Singh, Advocate
For the Respondent	:	Mr. Niranjana Kumar, Advocate Smt. Smita Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 04-10-2018 Heard the learned counsel for the petitioner and the
learned counsel for the respondent.

The petitioner filed this civil miscellaneous petition against the order dated 09.02.2018 passed by Sub-Judge-I, Birpur in Title Suit No.14 of 2015 by which the learned Sub-Judge-I, Birpur dismissed the petition of the plaintiff for impleading Satish Kumar Singh as defendant no.2 in the suit.

Learned counsel for the respondent submits that if Satish Kumar Singh is 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)

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