

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.14 of 2019

1. Arun Kumar and Ors Son of Late Shiv Kumar Kunwar Resident of Village Gaopur, Ward No.2 P.S. Mahua, P.O. Mahua, Dist.-Vaishali
2. Geeta Devi Wife of Rajiv Kumar
3. Baby Devi wife of Arvind Kumar Both Sl.Nos.2 and 3 residents of Village Sadapur Mahua, P.O.P.S.-Mahua, Dist.-Vaishali

... .. Petitioner/s

Versus

1. Smt. Ram Kali Devi Wife of Baleshwar Singh
2. Bahadur Pandit
3. Shiv Lal Pandit
4. Mahavir Pandit All (Sl.Nos.2 to 4) Sons of Late Pali Pandit All Residents of Village-Sadapur Mahua, P.O.P.S. Mahua, Dist.-Vaishali
5. Smt. Champa Devi wife of Sri Pawan Pandit residents of Village Sadapur Mahua, P.O.P.S.-Mahua, Dist.-Vaishali
6. Most. Keshri Devi Wife of Late Ram Karan Das Resident of Village-Sonbarsa, P.O.P.S. Lalganj, Dist.-Vaishali
7. Smt. Lalita Devi wife of Sri Shivnandan Das Resident of Village-Mukundpur Bhat, Khaspatti, P.O.P.S. Jandaha, Dist.-Vaishali
8. Smt. Reshma Devi Wife of Sri Bawan Das Resident of Village-P.O.P.S. Bhagwanpur, Dist.-Vaishali
9. Ranjan Devi wife of Yugeshwar Singh All Residents of Village-Sadapur Mahua, P.O.P.S. Mahua, Dist.-Vaishali
10. Rajmunni Devi Wife of Shrawan Mahto All Residents of Village-Sadapur Mahua, P.O.P.S. Mahua, Dist.-Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratna Deep Prasad, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 20-01-2020

Heard learned counsel for the petitioners and
learned counsel for the respondents.

This application is directed against the order dated



6.8.2018 passed by the court of learned Munsif 2nd, Hajipur (Vaishali) in Title Suit No.133/01 whereby, the learned court below has been pleased to reject erroneously the application of petitioners filed under Order 1 Rule 10 of the Civil Procedure Code for making them parties in the instant suit, as being purchasers of the plots in question and having bona fide interest in the suit property.

Having heard learned counsel for the petitioner, this Court is not inclined to interfere with the impugned order dated 6.8.2018 passed in Title Suit No.133 of 2001 by learned Munsif-II, Hajipur (Vaishali) for it cannot be said that the same is perverse, illegal or not borne out of the correct and complete appreciation of materials on record.

In support of his submissions, Learned counsel for the petitioner seeks reliance upon the decision rendered by a co-ordinate Bench of this Court reported in 1999(3) PLJR 510, titled as Bhol Ram Sah & Anr. Vs. Fudo Sah & Ors., as also by Hon'ble the Apex Court reported in 2017(4) PLJR (SC) 181 titled as Pankajbhai Rameshbhai Zalavadia Vs. Jethabhai Zalavadiya (Deceased) through L.Rs. & Ors.

Having perused the aforesaid decisions, this Court arrives at the conclusion that in none of these decisions, it stands



laid down that under all circumstances the subsequent purchaser must be made as a party to the lis.

The principle of lis pendens would apply in any case.

In the instant case, the trial court has found reason sufficient enough to reject the petitioner's prayer for impleadment for it found it to be only an attempt to procrastinate the proceedings and, more so, when the witnesses stood examined at length. The interest in the property stood transferred, perhaps on 22nd of September, 2017 and the application was filed much thereafter. The court below has rightly held the petitioner's endeavour to delay the proceedings and the party already to the lis enabled the conduct of the lis and defend their respective interests in accordance with law.

As such, for all the aforesaid reasons, the application stands dismissed.

(Sanjay Karol, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.01.2020
Transmission Date	N/A

