

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.235 of 2018

1. Bechan Sharma son of Late Ram Tahal Sharma.
2. Umesh Sharma, son of Late Ram Tahal Sharma.
3. Ramesh Sharma, son of Late Ram Tahal Sharma. All the above are residents of Mauja Laxmipur Bhagwati, P.S.- Srinagar, Anchal- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

1. Most Karimi Devi wife of Late Arjun Khatwe.
2. Dilip Sharma, son of Late Arjun Khatwe
3. Rajiv Sharma, son of Late Arjun Khat All the above are residents of Mauja Laxmipur Bhagwati, P.S.- Srinagar, Anchal- Kumarkhand, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bidhanesh Misra
For the Respondent/s	:	Mr.Durgesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 12-12-2022 Title Suit No. 197 of 2014 has been filed by the plaintiffs-petitioners for declaration of title and confirmation of possession. In the plaint, the genealogical table of the family has been mentioned.

The petitioners are aggrieved by order, dated 21.12.2017, passed in the suit, by which the learned Trial Court has allowed the impleadment of respondents in the suit as defendants on the basis of the claim of the respondents that they are having interest in the suit property being the members of the family through their ancestor, namely, Nakchedi Tatma.



Learned Counsel for the petitioners submits that the respondents are not the members of the family of Nakchedi Tatma and their claim before the learned Trial Court is based upon a sale deed of the year 1976, in which it has been shown that one Ajay Sharma, son of Nakchedi Tatma, has sold a piece of land in favour of the purchaser; whereas the same piece of land was sold in the year 1972 by the son of Nakchedi Tatma, namely, Ram Tahal Sharma, whose name is mentioned in the genealogical table given in the plaint. Accordingly, the submission is that on the basis of the sale deed of a piece of land executed in the year 1976, which was already sold in the year 1972 by one of the original son of Nakchedi Sharma, namely, Ram Tahal Sharma, the respondents are claiming themselves as the descendants of Nakchedi Sharma.

On the other hand, learned Counsel for the respondents submits that the petitioners-plaintiffs have given a wrong genealogical table of the family and deliberately has not shown the name of the father/husband of the respondents inasmuch as Nakchedi Tatma had three sons, namely, Singheshwar Khatwe, Ram Tahal Khatwe and Arjun Khatwe and the respondents are the heirs of the third son, namely, Arjun Khatwe/ArjhunTatma/Arjun Sharma. The correct genealogical



table, according to the respondents, are mentioned in the petition filed by the respondents, under Order 1 Rule 10 (2) of the Code of Civil Procedure.

I have heard learned Counsel for the parties and perused the impugned order.

From perusal of the impugned order, it appears that the learned Trial Court has come to the conclusion that there appears to be a dispute between the parties with regard to the genealogical table. The respondents claimed interest on the basis of the sale deed executed in the year 1976, in which Ajay Sharma/Ajay Tatma has been shown to be the son of Nakchedi Sharma. The learned Trial Court has allowed the impleadment of the respondents as defendants in the suit in order to decide all issues involved in the suit effectively and properly.

In view of the findings arrived at by the learned Trial Court and the fact that there is dispute between the parties with regard to the intervenors being the members of the joint family and the suit is for declaration of title, as such, in my opinion, no interference in the impugned order is required by this Court, particularly in view of the fact that the respondents have been added as party-defendants in the suit in order to decide all issues raised in the suit for once and for all.



This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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