

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.66 of 2022

=====

Md. Shubhani Hassan Son of Haji Md. Salauddin Haider Resident of Mohalla- Agarwa Motihari (Near Agarwa Masjid), Post Office- Motihari, Police Station- Town, District- East Champaran.

... .. Petitioner/s

Versus

1. Basant Kumar Son of Late Vijay Prasad Resident of Mohalla- Miscot, Post Office- Motihari, Police Station- Town, District- East Champaran.
2. Arun Kuma Son of Late Vijay Prasad Resident of Mohalla- Miscot, Post Office- Motihari, Police Station- Town, District- East Champaran.
3. Sunil Kumar Son of Binod Prasad Resident of Mohalla- Miscot, Post Office- Motihari, Police Station- Town, District- East Champaran.
4. Abdul Kalam Son of Late Md. Ushman Resident of Mohalla- Ward No.32 Agarwa, Post Office- Motihari, Police Station- Town, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra
For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-06-2022 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioner.

The petitioner is aggrieved by the order dated 02 / 12 / 2021 passed by learned Sub Judge -3, Motihari in Title Suit No. 363 / 2017 by which the defendant – respondent / Abul Kalam has been impleaded as a party in the Suit.

Learned counsel for the petitioner submits that defendant – respondent is not a necessary party and the title of the respondent was denied in the Suit in which the defendant -respondent was a defendant.



I have gone through the impugned order. It appears that a petition under Order 1 Rule 10 (2) of the C.P.C. has been filed by the defendant – respondent claiming therein that a collusive suit has been filed between the defendant -petitioner and the plaintiff -respondent and the defendant- respondent /Abul Kalam is having right, title and interest upon the disputed land bearing Khata No. 111, Khesra No. 502 having an area of 7 Katha 18 Dhur. It further appears that the intervenor -defendant has filed document showing his interest in the disputed land and accordingly the learned court below in order to prevent multiplicity of the Suit has allowed the petition under Order 1 Rule 10 (2) of the C.P.C.

Having gone through the impugned order, I am of the considered opinion that learned court below has not committed any jurisdictional error and / or material irregularity while allowing the petition under Order 1 Rule 10 (2) of the C.P.C.

As such, the present civil miscellaneous application stands dismissed.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

