

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1181 of 2018

=====

Dholan Mandal Son of Medo Mandal @ Medi Mandal, Resident of Village-
Rangra, P.S.-Rangra Chok Gopalpur District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anchal Adhikari, Gopalpur, Sub-Division Navgachia, District Bhagalpur.
3. Most. Rukmini Devi, Wife of Late Shiv Sah.
4. Lalan Sah Son of Late Shiv Sah.
5. Jai prakash Sah @ Jichho Sah Son of Late Shiv Sah
6. Subash Sah Son of Late Shiv Sah
7. Ramesh Sah Son of Late Shiv Sah.
8. Lilmi Devi Daughter of Late Shiv Sah.
9. Parni Devi Daughter of Late Shiv Sah.
12. Urmila Devi Wife of Medo Mandal @ Medi Mandal.
13. Chhopi Mandal Son of Nedo Mandal @ Medi Mandal.
14. Nindak Mandal, Son of Medo Mandal @ Medi Mandal,
15. Bhutan Mandal Son of Medo Mandal @ Medi Mandal, Respondent nos 11 to 15 are Resident of Village-Rangra, P.S. Rangra Chowk Gopalpur District-Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Raj Kishore Roy- Gp18

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-08-2022 Heard Mr. Sunil Kumar Singh, learned counsel for the
petitioner.

The petitioner is aggrieved by the order dated
11.06.2018 passed in Title Suit No. 61 / 2001 by which an
application filed by the petitioner for his impleadment under
Order 1 Rule 10(2) of the CPC has been rejected.



Learned counsel for the petitioner submits that the present suit has been filed for declaration of right, title and interest upon the suit property as well as correction of wrong entry made in the survey *khatiyān*. The subject matter of the land involved in the present Title Suit No. 61 / 2001 are plot nos. 3080 & 3081. The plaintiff- respondent has made his claim against the defendant 1st set i.e. State authority. Learned counsel further submits that the petitioner has filed a petition for his impleadment as defendant in the present suit on the ground that the petitioner is having his claim to the extent of 02 decimals on plot no. 3080 & 03 decimals on plot no. 3081, which are the subject matter of the present suit and by the impugned order the learned trial court has rejected the application for his impleadment.

I have heard learned counsel for the petitioner and have gone through the impugned order. It appears that for his independent claim upon the plot nos. 3080 & 3081 to the extent of 05 decimals the petitioner has already filed a separate suit bearing T.S. No. 48 of 2015.

In view of the fact that petitioner has already filed a separate suit for his claim upon the aforesaid plot nos. 3080 & 3081, therefore in my opinion he is not a proper party in the



present suit and it cannot be said that in absence of the petitioner the present suit cannot be effectively decided. Accordingly, I do not find any merit in this application.

Accordingly, this civil miscellaneous application stands dismissed.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

