

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.381 of 2018

Devendra Mandal Alias Devendra Singh Son of late Ramjit Mandal @ Ranjit Singh, Resident of Village-Rangra Tola, Murli, P.S. Gopalpur Rangra District Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Mukhiya, Gram Panchayat, Murli, P.S. Gopalganj Rangra District-Bhagalpur
3. Tarni Prasad Singh Son of Late Jiyalal Prasad Singh Resident of Village-Murli P.S. Gopalpur Rangra District Bhagalpur
4. Fusho Mandal
5. Mahendra Mandal Both Sons of Late Ramjit Mandal @ Ranjit Singh, Resident of Village-Rangra Tola, Murli, P.S. Gopalpur Rangra District Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Md. Khurshid Alam- AAG-12
For the Respondents	:	Mr. Rajive Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 21-07-2022

Heard learned counsel for the parties concerned.

2. This application has been filed challenging the order dated 4.9.2017 passed by the learned Sub Judge 2nd, Naugachia, in Title Suit No.27 of 2007, by which the learned trial court has allowed the application of Respondent No. 3 for his impleadment as defendant in a suit filed by the Petitioner/Plaintiff.

3. The petitioner has filed the Suit No. 27 of 2007 for declaration of his title and for correction of wrong entry in the survey done by the revenue department. The Respondent No. 3 filed an application under Order 1 Rule 10 (2) CPC in the



aforesaid suit stating therein that the suit land falls at village Rangra, P.S. Kahalgaon, Thana No. 4, bearing R.S. Khata No. 2121 and 2122, R.S. Plot Nos. 1258 and 121 admeasuring 1 acre 1 decimal and 3 acres 12 decimal of the land. It has further been stated that Respondent No. 3 has right, title and interest along with possession over the suit land inasmuch as the registered *kabuliyat* was executed in favour of the ancestors of Respondent No. 3 namely, Paltan Mandal. In support of his claim, the Respondent No. 3 has filed the relevant documents showing his title and possession over the suit land.

4. Learned counsel for the petitioner submits that learned court below has committed material irregularity by allowing the petition for impleadment of party filed by the Respondent No. 3 at a very later stage inasmuch as the evidence of plaintiffs' witnesses has already been closed and the witnesses of the defendants are being examined.

5. On the other hand, learned counsel for the Respondents submits that after coming to know about the present suit, the application under Order 1 Rule 10 (2) CPC has been filed and the learned trial court after going into merit of the petition has come to the conclusion that the Respondent No. 3 is claiming interest and title upon the suit land. Accordingly, the learned trial



court has allowed the application for impleadment in order to arrive at effectual and just decision of the suit. He further submits that after the impugned order, written statement has already been filed by the Respondent No. 3 along with the list of the documents.

6. I have heard learned counsel for the parties.

7. From perusal of the material on record, it appears that the Respondent No. 3 has claimed his right, title and interest along with possession upon the suit property and in support of the same he has filed certain documents. It further appears that the learned trial court after taking into consideration the fact that the Respondent No. 3 is claiming his right upon the suit land, has allowed the application filed by him under Order 1 Rule 10,(2) CPC.

8. The Hon'ble Supreme Court in the case of ***Ramesh Hira Chand Kunda Mal Vrs. Municipal Corporation of Greater Bombay and Ors.***, reported in ***(1992) 2 SCC 524*** has laid down the law that a person may be added as party to the suit, if he has interest in the subject matter of litigation whether it be a question relating to movable or immovable property. The Supreme Court has further held that only reason which makes it necessary to make a person a party to an action is that he should be bound by the result of the action and the question to be settled, therefore, must



be a question in the action which cannot be effectually and completely settled unless he is a party. The real test is “May the order for which the plaintiff is asking directly affect the intervenor in the enjoyment of his legal rights”.

9. In view of the aforesaid discussion and the Judgment laid down by the Hon’ble Apex Court, I do not find any material irregularity and jurisdictional error in the impugned order dated 4.9.2017, and, as such, it does not require any interference.

10. Accordingly, this application stands dismissed.

11. Later on, both the parties submit that necessary direction be issued to the learned court below to dispose the suit in accordance with law on its own merit within a reasonable time frame inasmuch as the suit is pending since 2007.

12. Taking into consideration the fact that the suit is pending for about 15 years, the trial court is directed to dispose the suit as early as possible without giving unnecessary adjournment to the parties.

(Anil Kumar Sinha, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	28.07.2022
Transmission Date	N.A.

