

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.32 of 2020

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Md. Shafique Alam @ Md. Shafik Alam son of Late Abdul Latif resident of Afsana Road, Village- Beni, Ward No. 8, Nagar Panchayat, Bahadurganj, Post Office and Police Station Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

Md. Aftab Alam Irquee son of Late Mahboob Alam Iraquee resident of Village- Beni, Post Office and Police Station Bahadurganj, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-07-2022 Heard Mr. Najmul Hoda, learned counsel for the
petitioner.

Petitioner is aggrieved by order dated 03.09.2019 passed by the learned trial court in Title Suit No. 20/2013 in which the petitioner is sole defendant.

The suit has been filed for declaration of sale-deed dated 28.05.2010 as null and void and for refund of the consideration amount paid by the plaintiff/respondent. In the said suit, the petitioner/defendant has filed an application under Order 1 Rule 10(2) of the CPC for impleading vendor of the petitioner as defendant, has been rejected.

Learned counsel for the petitioner has informed that the evidence of plaintiff has been closed.



I have heard Mr. Najmul Hoda, learned counsel for the petitioner and perused the order impugned.

The learned lower court has come to the finding that the proposed defendant is not a necessary party inasmuch as no relief has been claimed by the plaintiff against the proposed defendant. It is settled law that plaintiff is *dominus litis* in the suit. As such, I do not find any error in the order passed by the learned trial court. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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