

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.119 of 2022**

Nawal Kishor Sah @ Nawal Kishore Prasad S/o Late Badri Sah Resident of Village- Madhu Chapra, P.O. and P.S.- Pipra Kothi, District- East Champaran, at present resident of Village and P.O.- Jiwadhara, P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

Ravindra Kumar S/o Late Tulsi Das Resident of Village- Madhu Chapra, P.O. Belwatia, P.S.- Pipra Kothi, District- East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar No.Iii, Advocate

For the Respondent/s : Mr.Madhurendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR  
ORAL ORDER**

3      18-09-2023

Heard the parties.

2. This application has been filed for quashing of the order dated 27.01.2022 passed by learned Sub Judge-IX, East Champaran at Motihari in Title Suit No. 120 of 2017 by which learned Judge has rejected the application filed by the petitioner under Order 1 Rule 10 C.P.C.

3. The petitioner has filed the application under Order 1 Rule 10 C.P.C to add one Ava Devi as defendant no. 2, in view of the fact that by impersonation a sale deed is said to have been executed in favour of Ava Devi.

4. If the plaintiff wants Ava Devi to be added as defendant no. 2, the defendants cannot object because it is the suit which has been filed by the plaintiff who is the domino-us



interest in the case.

5. In view of the above, this application is allowed.

The impugned order dated 27.01.2022 passed by learned Sub Judge-IX, East Champaran at Motihari in Title Suit No. 120 of 2017 is hereby quashed.

(Sandeep Kumar, J)

Harsh/

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