

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1655 of 2018**

Mahadev Yadav

... .. Petitioner/s

Versus

Sunil Kumar Singh and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Respondent/s : Mr.Raj Kishore Roy -Gp18

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 31-08-2023

Heard the parties.

2. Learned counsel for the petitioner has submitted that the petitioner claims the property in question through gift deed executed by one Maheshwar Sahay. The Title Suit No. 29 of 1991 has been filed by the plaintiff for declaration of his right title and possession over the suit land and to hold and declare the entry in the recent municipal survey khatiyani of Banka Municipality in the name of State of Bihar and in the name of defendant no. 2 (Maheshwar Sahay) remark column of the khatiyani as legal, inoperative, ultra vires and null and void.

3. The petitioner having received the suit property in question through gift deed from the father of the plaintiff, namely, Maheshwar Sahay is a necessary party and he should be added as defendant in the present case.

4. Learned counsel for the opposite party has opposed the prayer of the application on the ground that respondent no.



11 is defendant in the suit. In these circumstances, this application should be dismissed.

5. I have heard the submissions of the parties.

6. Petitioner is a necessary and proper party, in view of the gift deed executed by Mr. Maheshwar Sahay and therefore, the present application is allowed and the impugned order dated 28.08.2018 passed by learned Sub Judge-II, Banka in Title Suit No. 29 of 1991 by which the application dated 27.11.2017 filed by the petitioner has been dismissed is hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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