

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.257 of 2017

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Sheo Prasad Singh son of Late Subedar Singh Yadav, resident of Village- Daud Nagar, Purani Sahar Mohalla- Jath Toli, Old Ward No.4, New Ward No.5, PO and PS- Daud Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

2. Vijay Kumar Singh, son of Late Chandrika Singh, Resident of Village- Daud Nagar, Purani Sahar Mohalla - Jath Toli, Old Ward No. 5, New Ward no. 6, P.O. and P.S. - Daud Nagar, District - Aurangabad.
3. Vinay Kumar, son of Late Chandrika Singh, Resident of Village- Daud Nagar, Purani Sahar Mohalla - Jath Toli, Old Ward No. 5, New Ward no. 6, P.O. and P.S. - Daud Nagar, District - Aurangabad.
4. Yugal Kishore Singh, son of Late Chandrika Singh, Resident of Village- Daud Nagar, Purani Sahar Mohalla - Jath Toli, Old Ward No. 5, New Ward no. 6, P.O. and P.S. - Daud Nagar, District - Aurangabad.
5. Sanjay Kumar, son of Late Chandrika Singh, Resident of Village- Daud Nagar, Purani Sahar Mohalla - Jath Toli, Old Ward No. 5, New Ward no. 6, P.O. and P.S. - Daud Nagar, District - Aurangabad.
6. Kanti Devi, wife of Mithilesh Kumar Singh, daughter of Late Chandrika Singh, resident of Village- Khutha, P.O. and P.S.- Obara, District- Aurangabad.
7. Rajesh Kumar, son of Vasudeo Singh, Resident of Village - Belarhi, P.O. - Tarai, P.S. - Daud Nagar, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 15-09-2023 It has been submitted by the plaintiff/petitioner that in a suit for declaration of his title and removal of encroachment over 4 decimal of land by the defendant nos. 1 and 2 the intervenor has been permitted to be added as defendant.

2. The intervenor has filed an application for adding defendant claiming title over the suit land. If the defendant has



some claim over the suit land the same can be declared in a separate suit. The present suit is for declaration of title and removal of encroachment between the plaintiff and defendant nos. 1 and 2 with regard to 4 decimals of land. The question of title as to whether the defendant nos. 1 and 2 are title holder or not or the intervenor is a title holder cannot be decided in a suit filed by the petitioner.

3. In view of the above, the impugned order dated 28.10.2016 is set aside and the application dated 17.12.2015 is dismissed. The suit is pending since year 2007, the same must be disposed of within one year from the date of communication of this order.

(Sandeep Kumar, J)

Ranjeet/-

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