

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1487 of 2018

Vikash Kumar Gupta Son of Baij Nath Prasad Resident of Village-Naya Gaon
P.S.P.O. Naya Gaon District Saran.

... .. Petitioner/s

Versus

1. Smt. Manju Devi Wife of Kameshwar Lal Patwa Resident of Village-Naya Gaon, P.S. Sonpur, District Saran.
2. Suresh Rai Son of Saudagar Rai Resident of Village-Bariyar Chak P.S. Naya Gaon Dist-Saran
3. Sanjeet Srivastava Son of Lalan Srivastava Resident of Village-Naya Gaon P.S. Naya Gaon District-Saran.
4. Dukhma Kuer Wife of Punkar Singh
5. Yogendra Singh Son of Punkar Singh
6. Bahhan Singh Son of Punkar Singh All 4 to 6 are Resident of Village-Naya Gaon P.S. Sonpur, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 28-08-2023 Heard learned for the petitioner and learned counsel
for the Respondent No. 1.

2. The present application has been filed for setting aside the order dated 13.08.2018 passed by the Sub-Judge, Sonpur in Title Suit No. 54 of 2011 by which the application under Order I Rule 10(2) of the C.P.C. filed by the petitioner who is the purchase of the suit property for adding him as a party in the Title Suit has been rejected.

3. The petitioner had filed the application under Order



I Rule 10 (2) of the C.P.C. claiming himself to be a *bona fide* purchaser vide sale deed dated 06.10.2017 executed Bhuwan Singh. The plaintiff has opposed the application filed by the petitioner saying that she had filed the suit for declaration of a title of the basis of a sale deed dated 16.08.2010 executed by Dukhma Kuer (Respondent No. 4) in favour of defendant No. 3 and 4 as void and inoperative document.

4. Learned counsel for the petitioner has submitted that he is a necessary and proper party and he should have been added as defendant in this case.

5. Learned counsel for the plaintiff submits that her client has all the documents in her favour and therefore, the petitioner should not be added as defendant in the case.

6. I have considered the submissions of the parties.

7. Once the defendant has got a registered sale deed in his favour, he is a proper and necessary party who should be heard to avoid multiplicity of the suit.

8. In the interest of justice, this application is allowed.

(Sandeep Kumar, J)

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