

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.407 of 2018

1. Lal Bahadur Singh and Anr S/o Late Girja Pd. Singh
2. Smt. Madhuri Prasad S/o Sri Lal Bahadur Singh Both residents at Hatia Road, Tilkamanjhi, P.S. - Tilkamanjhi, District - Bhagalpur.

... .. Petitioner/s

Versus

1. Kamal Mohan Thakur
2. Subhash Mohan Thakur Both Sons of Late Suresh Mohan Thakur resident of Anandgarh, Tilkamanjhi, P.S. - Tilkamanjhi, District - Bhagalpur.
3. Devita Prasad Dubey S/o Late Suresh Prasad Dubey resident at Mohalla - Barari, P.S. - Barari, District - Bhagalpur.
4. The Bihar State Housing Board, Patna through the Executive Engineer, Bhagalpur representing the Bih
5. The Managing Director of Bihar Housing Board, Patna.
6. Sri Aman Mohan Thakur S/o Sri Suresh Mohan Thakur resident of Anandgarh, Tilkamanjhi, P.S. - Tilkamanjhi, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar Sinha, Advocate
For Respondent No.1&2 :	Mr.Deepak Kr. Sinha, Advocate
For Respondent No.4&5 :	Mr. Sanjay Kumar, Advocate
For Respondent No. 6 :	Mr. Uday Shankar singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-10-2023 Heard the parties.

2. This application has been filed against the order dated 05.02.2018 passed by learned Munsif-II (Sadar), Bhagalpur in T.S. No. 129 of 2014 by which learned Munsif has rejected the application of the petitioner filed under Order 1 Rule 10(2) and 151 of C.P.C.

3. Learned counsel for the petitioner has submitted that petitioner is the purchaser in T.S. No. 129 of 2014 from *khatiyani raiyat* who is a party in the suit. The petitioner had filed an application to protect his interests but learned Munsif has rejected the application of the petitioner under Order 1 Rule 10(2) and 151 of C.P.C.



4. Mr. Deepak Kr. Sinha, learned counsel for the respondents has opposed the prayer of the petitioner.

5. I have heard both the parties and also perused the materials available on record.

6. The opinion of this Court is that to avoid multiplicity of the suit and in the interest of justice, the petitioner who is a necessary and proper party should have been added in the suit as respondent and hence, this application is allowed. The impugned order dated 05.02.2018 passed by learned Munsif-II (Sadar), Bhagalpur in T.S. No. 129 of 2014 is hereby quashed.

7. Since the suit is of the year 2014, the court below is directed to dispose of the suit within a year of receipt/communication of a copy of this order and will proceed *ex parte* against non-cooperating party. The court below will not give unnecessary adjournment to either of the parties.

8. Both the parties will also cooperate in disposal of the suit bearing T.S. No. 129 of 2014.

9. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

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