

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1355 of 2018

- 1.1. Shakuntala Devi wife of Late Devendra Prasad, Resident of Village - Dhamna, P.S. Jhajha, District - Jamui.
- 1.2. Rajesh Kumar Son of Late Devendra Prasad, Resident of Village- Dhamna, P.S. Jhajha, District - Jamui.
- 1.3. Rajeev Ranjan, Son of Late Devendra Prasad, Resident of Village Dhamna, P.S. Jhajha, District - Jamui.
- 1.4. Rakesh Ranjan, Son of Late Devendra Prasad, Resident of Village, Dhamna, P.S. Jhajha, District - Jamui.
- 1.5. Bikram Kumar, Son of Late Devendra Prasad, Resident of Village, Dhamna, P.S. Jhajha, District - Jamui.
- 1.6. Shweta Kumari, Daughter of Late Devendra Prasad, Resident of Village, Dhamna, P.S. Jhajha, District - Jamui.

... .. Petitioner/s

Versus

1. Maya Devi Wife of Late Jato Rawat
2. Rajendra Rawat, Son of Late Jato Rawat
3. Shankar Rawat, Son of Late Jato Rawat
4. Matukdhari Rawat, Son of Late Jato Rawat
5. Saty Narayan Rawat Son of Late Jato Rawat
6. Sita Devi W/o Murari Rawat
7. Murari Rawat Son of Late Ramnarayan Rawat
8. Mathura Rawat, Son of Late Baiju Rawat
9. Suresh Rawat, Son of Late Ramnarayan Rawat
10. Devsharan Singh son of Late Sitaram Singh
11. Jyanti Devi wife of Devsharan Singh

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Prakash Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 26-06-2023

Heard learned counsel for the parties.

2. This Civil Miscellaneous Application has been filed
under Article 227 of the Constitution of India against the order



dated 17.07.2018 passed by learned Sub-Judge-IV, Jamui in Title Suit No. 219 of 2014 whereby the learned Court below allowed the impleadment Application for the impleadment of Respondent Nos. 10 and 11 as defendants in the instant suit.

3. Learned counsel for the petitioners submits that the respondent nos. 10 and 11 have filed a petition dated 24.11.2017 under Order 1 Rule 10(2) and under Section 151 CPC for their impleadment as necessary party in Title Suit No. 219 of 2014 on the ground that part of land in dispute refers boundary of the lands of intervenor which they, being ex-military personnel got through settlement from the Government and as such they are necessary parties in the suit. The petitioners, who are plaintiffs/petitioners objected the said claim stating that they are not the necessary parties in the suit but the said application was allowed by the learned Court below without hearing the learned counsel for the petitioners. He has further submitted that the learned Court below without assigning any reason allowed the said petition which is cryptic and mechanical without application of mind and is liable to be set aside.

4. Learned counsel for the respondent nos. 10 and 11 submits that the respondent nos. 10 and 11 are necessary parties and it is in the interest of justice that they may be impleaded as



party defendants in the case for proper adjudication of the case. However, he has conceded that the Court has not assigned any reason for passing the impugned order.

5. The law is well settled that judicial orders must be passed by applying judicial mind and assigning the reason while passing the order. From perusal of the impugned order, it appears that the impugned order has been passed in a cryptic manner without assigning any reason and without noticing the submissions made on behalf of the parties. Even the recall order dated 31.07.2018 has also been passed without assigning any reason for passing the said order.

6. The law is well settled that the Courts have ample power to add any person as party in the suit if he is necessary or proper party for proper adjudication of the case. The Court is required to assign reason of any order on impleadment application. Reason is the sole of justice and any judicial order passed by the Court must be speaking. An order disposing of an application necessarily requires recording of reason.

7. In the present case, without going into the merit of the application, it is evident that the impugned order has been passed without any reason. Accordingly, the said impugned order dated 17.07.2018 is set aside. The Civil Miscellaneous



Application is accordingly allowed.

8. The learned trial Court is directed to pass order in accordance with law, after hearing both the parties, on the said petition dated 24.11.2017 filed by the respondent nos. 10 and 11 in the Court below. Both the parties are also directed to co-operate the trial Court for expeditious disposal of the said application.

9. With the aforesaid observations, this Civil Miscellaneous application is disposed of.

10. It is needless to say that this Court has not given any finding on the merit of the impleadment application and the Court below shall pass the order on the said application of intervenors, in accordance with law, without being prejudiced by the present order.

(Sunil Dutta Mishra, J)

P. Kumar

