

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.669 of 2017

1. Vishwanath Jha,
2. Jagdish Jha,
3. Satrugan Jha,
All sons of late Nokhe Jha, all are residents of Village- Bibhutipur Tola-
Kapan, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Samastipur.
2. The Sub-Divisional Officer, Rosera, Samastipur.
3. The District Fisheries Officer, Samastipur.
4. The Block Development Officer-cum-Circle Officer, Bibhutipur, District-
Samastipur.
5. Lalo Sahni, Secretary, Bibhutipur Anchal, At P.O.- Singhia Ghat, P.S.-
Bibhutipur, District- Sama
6. Dukhit Sahni, son of Late Ghutak Sahni, resident of Village P.O.- Belsandi
Dih, P.S.- Bibhutipur, District- Samastipur.
7. Ghanshyam Choudhary, Son of Late Jageshwar Choudhary.
8. Kamtasharan Choudhary, Son of Late Jageshwar Choudhary.
9. Mostt. Rajkumari, widow of Late Upendra Choudhary, All 7 to 9 resident of
Village- Bibhutipur, Tola- Kapan, P.S.- Bibhutipur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uma Shankar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14
		Ms. Jahan Ara, AC to GP-14

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-09-2024

Heard learned counsel for the petitioners and
learned counsel for the respondents 1st party.

2. The petitioners are aggrieved by the order dated
16.02.2017 passed in Title Suit No. 52 of 2000 by the learned
Sub Judge-III, Rosera whereby and whereunder the learned trial



court allowed the intervener petition dated 28.02.2012 filed by the interveners/respondents.

3. The learned counsel for the petitioners submits that the petitioners are plaintiffs and they have filed Title Suit No.52/2000 before the court of learned Sub Judge, Rosera for declaration of their title over Schedule I land. During the pendency of the title suit, interveners/respondents 3rd party filed a petition under Order 1 Rule 10 (2) of the Code of Civil Procedure for being added as party defendants. Their application was allowed by the learned trial court vide the impugned order dated 16.02.2017. The learned counsel further submits that the impugned order is a completely non-speaking order as objection of the plaintiffs to the intervener petition was not considered at all. The learned trial court just mentioned the contents of the petition filed by the interveners and by a cryptic order allowed the application of the interveners. The learned trial court merely stated that it was justifiable to allow the application of the interveners on perusal of record. The learned counsel further submits that such order could not be sustained. It shows complete lack of application of judicial mind. The learned counsel further submits that rival claims of all persons cannot be allowed in a suit filed by the plaintiffs having separate cause of



action and strangers could not be added as a party.

4. The learned counsel appearing on behalf of the respondents 1st party supports the case of the petitioners.

5. Having regard to the submission made on behalf of the parties, the fact which is much apparent that the impugned order is completely non-speaking. The learned trial court has not at all recorded the reasons for allowing the interveners application.

6. The Hon'ble Supreme Court in the case of ***Raj Kishore Jha vs. State of Bihar & Ors.*** reported in ***AIR 2003 SC 4664*** has held that the reason is the heartbeat of every conclusion.

7. Further, the Hon'ble Supreme Court in the case of ***Kranti Associates Private Limited & Anr. vs. Masood Ahmed Khan & Ors.*** reported in ***(2010) 9 SCC 496*** has held that reasons in support of decisions must be cogent, clear and succinct. A pretense of reasons or rubber-stamp reasons is not to be equated with a valid decision-making process.

8. The decision in ***Kranti Associates Private Limited (supra)*** of the Hon'ble Supreme Court stresses upon the importance of reasoned judicial orders and have discussed elaborately why reasoning is the soul and heart of the justice.



Therefore, I have no hesitation in holding that the order of the learned trial court without recording reasons in support of conclusion arrived at in the order and failure to record the reasons would make the orders unsustainable. Not recording the reasons in fact amounts to denial of justice whether it is an administrative authority, quasi judicial body or a judicial body. The aforesaid authority could not pass orders without assigning reasons in support of their conclusion more so a judicial authority.

9. In such view of the matter, without going into the merits of the case, the impugned order dated 16.02.2017 passed in Title Suit No. 52/2000 by the learned Sub Judge-III, Rosera is set aside. The matter is remanded to the learned trial court for passing reasoned order afresh on the application dated 28.02.2012 filed by the interveners.

10. Accordingly, the present petition stands allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	20.09.2024
Transmission Date	NA

