

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.605 of 2016

Braj Bhushan Deva, S/o Late Chandra Bhushan Deva, R/o Village - Mahadev
Simaria @ Ulao, Pargana - Malki, P.S. Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

1. Shambhu Deva
2. Amar Deva
3. Kailash Deva
All claims to be the son of Late Chandrachur Deva, all are residents of
Village-Ulao, P.S.-Mufasil, P.O. Ulao, Sub Division and District-Begusarai.
4. The State of Bihar through the Collector, Begusarai, District - Begusarai.
5. The Secretary, Education Deptt., Govt. of Bihar, Patna.
6. The Collector of Begusarai, District - Begusarai.
7. Jyanti Kumari, High English School, Begusarai, through its Managing
Committee.
8. The Head Master/Head Mistress, Jayanti Kumari High English School,
Begusarai.
9. The District Education Officer, Begusarai.
10. Virendra Deva S/o Late Chandra Mauli Deva
11. Manhar Deva S/o Late Chandrachur Deva
12. Amit Deva
13. Atul Deva
14. Ajay Deva All sons of Late Vimal Deva
15. Piyush Dev
16. Praveen Deva Sons of Late Vishwa Deva
17. Sudhanshu Deva S/o Late Upendra Deva
18. Manish Deva S/o Manhar Deva
19. Shankrashan Deva S/o Late Chandra Bhushan Deva All residents of Village
- Mahadev Simaria @ Ulao, Pargana - Malki, P.S. - Muffasil, District -
Begusarai.
20. Sheela Deva W/o Late Narendra Deva, R/o Ulao, P.S. Begusarai, District-
1. Begusarai, presently residing in House No. 37/122, A-5 Savitripuri Colony,
Near Doctor Usha Gupta, Birdopur, Chhitupur, Varanasi (UP).
20. Rajeev Deva, S/o Late Narendra Deva, R/o Ulao, P.S. Begusarai, District-
2. Begusarai, presently residing in House No. 37/122, A-5 Savitripuri Colony,
Near Doctor Usha Gupta, Birdopur, Chhitupur, Varanasi (UP).
20. Ruchi Agarwal, D/o Late Narendra Deva and W/o Sri Mohit Agarwal, R/o
3. Ulao, P.S. Begusarai, District-Begusarai, presently residing in House No.
37/122, A-5 Savitripuri Colony, Near Doctor Usha Gupta, Birdopur,
Chhitupur, Varanasi (UP).



21. Bharat Bhushan Deva S/o Late Bibhuti Bhushan Deva Both residents of Village - Mahadev Simaria @ Ulao, Pargana - Malki, P.S. - Muffasil, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
Mr. Arvind Kumar Sharma, Advocate
Mr. Chetan Kumar, Advocate
For the Respondent/s : Mr. Sudhanshu Kumar Lal, Advocate
Mr. Pratish Kumar Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
CAV JUDGMENT

Date : 30-09-2024

The present petition has been filed under Article 227 of the Constitution of India for quashing the order dated 22.04.2016 passed by the learned Sub Judge-V, Begusarai in Title Suit No. 235/2008 whereby and whereunder the learned trial court allowed the application dated 11.07.2014 filed by the interveners/defendants/respondents 1st party under Order 1 Rule 10 (2) of the Code of Civil Procedure (hereinafter referred to as 'the Code').

2. The material facts of the case are that the petitioner and the respondents 4th party filed Title Suit No. 235/2008 against the defendant 1st party/respondent 2nd party for declaration of their title over Schedules III, IV and V lands of the plaint and confirmation of possession over Schedule IV land. Further declaration was sought that respondent no.4, the school, being licensee, has only limited right to possess



Schedule-III land having no concern with Schedules-IV and V lands. A decree of recovery of possession of Schedule-V land has also been sought by declaring the possession of the school as a trespasser. A decree of mandatory injunction, restraining the respondents 2nd party from meddling with the peaceful possession of the petitioner and respondent 4th party, has also been sought.

3. As per the case of the plaintiffs, the plaintiffs and defendants 2nd party are agnates being common descendants of Late Banarsi Prasad and his wife Late Jayanti Kumari. The Schedule-I land is coparcenary property and genealogical table has been provided at the end of the plaint showing relationship of the parting starting from Late Banarsi Prasad. The land of Plot No.320 under Khata No. 190, Tauzi No. 3518 at Mauza-Mokimpur was acquired for the construction of Railway and at the time of cadestral survey, the land of Plot No.320 measuring 2.950 acres was recorded as *Qaiseree Hind Parti Kadim*. After commissioning of the railway project, portion of the land under Survey Plot No.320 was not required and the same was relinquished by the railways in favour of the Secretary of the State, which was subsequently sold to the ancestors of the plaintiffs/defendants 2nd party through indenture of certificate of sale dated 14.08.1917 executed by Secretary of State through



Collector of Munger for an area measuring 2.570 acres. The purchasers acquired perfect right, title, interest and possession over the purchased area of Survey Plot No. 320 and 8 decimals of land from the said plot was given to one Gopi Nath Jha and other persons for approaching his land from the eastern portion of Survey Plot No. 320 since the said Gopi Nath Jha had no approach road to go to his land. Subsequently, construction of a Dharamshala was started over 0.810 acres of land of Plot No. 320 by the ancestors of the plaintiffs, Babu Jagatdhar Narain Prasad and Babu Ram Sumiran Prasad.

4. Further case of the plaintiffs is that with passage of time and death of their ancestors, the vendors of the plaintiffs/defendants 2nd party and their ancestors namely, Chandrachoor Deva, Chandramauli Deva and Chandra Bhushan Deva, sons of Babu Jagatdhar Narain Prasad succeeded to the properties of their father by way of survivor-ship, partitioned the ancestral property by metes and bounds in the year 1946 but the lands of Schedule-I remained in joint possession of heirs of Babu Jagatdhar Narain Prasad and Babu Ram Sumiran Prasad. On the request of respectable persons of the locality, two registered deeds of agreement, one between Smt. Savitri Devi as mother and guardian of Babu Bibhuti Bhushan Deva (Minor son



of Late Babu Ram Sumiran Prasad) and Babu Mukteshwar Narain Sinha, the then Secretary, Executive Committee of New High English School and other agreement between Babu Chandrachoor Deva for self and as attorney of his brothers on one part and Babu Mukteshwar Narain Sinha, Secretary, Executive Committee of New High English School on the other part, respectively were executed and a licence was created in favour of the New High English School on agreed terms and conditions. One of the stipulation was that in case the school becomes defunct, the property would revert back to the family of first part members. The deed starting school in completed building of Dharamshala was executed on 20.12.1939. The New English High School after registration of the deed of agreement dated 20.12.1939 came to be known as Jayanti Kumari English High School in the name of wife of Late Banarsi Prasad. The school came in possession of the land and building of Schedule II of the plaint being the licensee. The ancestors of the plaintiffs and defendant 2nd party retained perfect right over Schedule II land of 0.810 acres and, at the same time, they continued in perfect title, right and peaceful possession of remaining Schedule I land which was beyond the licence created in favour of the School. As the number of students increased and more



space was required, the ancestors of the plaintiffs and defendant 2nd party orally created a licence on 10.05.1954 with respect to 0.160 acres of land contiguous west to Schedule II land of the plaintiff. Thus, the School acquired and came in permissive possession over an area of 0.970 acres of land being the licensee of the ancestors of the plaintiffs and defendants 2nd party.

5. Further, in the year 1962, an area of 0.360 acres of land from the northern side of Schedule I land was acquired for construction of NH-31 in the backdrop of Chinese aggression as the proposed road was of strategic importance. The ancestors of the plaintiffs out of love for the country did not claim compensation, but it was subsequently came to the knowledge that compensation for the acquired land was wrongly made in the name of School. But due to stiff opposition of one of the ancestors of the plaintiffs, the School could not withdraw the compensation amount.

6. It further transpires that after death of the ancestors of the plaintiffs and defendants 2nd party namely, Babu Bibhuti Bhushan Deva, Chandrachoor Deva, Chandramauli Deva and Chandra Bhushan Deva, their sons acquired perfect right, title and interest by survivor-ship over entire land as described in Schedules III, IV an V of the plaintiff.



7. It also appears from the plaint that a partition took place in the family of Chandrachoor Deva and his wife and his sons, who got their shares, but the land in suit was not allotted in exclusive share of Chandrachoor Deva, who ceased to have any interest in the suit land and only his sons Manohar Deva and Bimal Deva had every interest in the suit land. The School was taken over by the Bihar Government on 02.10.1980 and the State of Bihar stepped into shoes of the school acquiring all interests and right which was earlier vested with the School. The School started making claim over a portion of Schedules IV and V of the land of the plaint and started construction of a building over the portion of Schedule V land and also *pucca* rooms over an area of 0.260 acres of land of Schedule V of the plaint. Alarmed with the activity of the School, the plaintiffs brought the present title suit seeking the reliefs as already mentioned here-in-above.

8. After service of summons, defendants first party/respondent 2nd party filed their written statement opposing the suit on a number of grounds. The alleged certificate of sale dated 14.08.1917 in favour of the ancestors of the petitioners, the respondents 3rd party and 4th party was stated to be a mere paper transaction and it was further claimed that purchasers never came in possession thereof. The School took possession



of land having area 2.139 acres in the year 1936 itself and the School started running in full-fledged manner since 02.01.1939 and it was also claimed that two deeds of agreements were farce documents. Thus, the School, by efflux of time, perfected its right, title, interest and possession.

9. During the pendency of the suit, the interveners/defendants/respondents 1st party filed a petition on 27.08.2013 under Order 1 Rule 10 (2) of the Code for impleading them as interveners/defendants in the suit claiming themselves to be a class I heirs of Late Chandrachoor Deva. The petitioner and the respondents 4th party filed rejoinder to the said petition. The said petition dated 27.08.2013 of the interveners/defendants/ respondent 1st party was dismissed on 10.04.2014 by the learned trial court for want of prosecution. Thereafter, the issues were settled on 12.06.2014. The respondents 1st party again filed a petition under Order 1 Rule 10 (2) of the Code on 11.07.2014 for impleading them as the defendants by taking almost the identical plea of their earlier petition dated 27.08.2013. Again rejoinder opposing the petition dated 11.07.2014 was filed by the petitioner and the respondent 4th party. However, this time, the learned Sub Judge-V, Begusarai, vide order dated 22.04.2016, allowed the petition



dated 11.07.2014 filed by the interveners/respondent 1st party. Aggrieved by the said order, the petitioner has filed the present petition.

10. The learned counsel for the petitioner submitted that the impugned order is completely illegal and the same has been passed by the learned trial court exceeding its jurisdiction. The learned trial court failed to take into account that it is a suit filed by the petitioner and the respondent 4th party seeking relief only against the respondent 2nd party. The interveners could not be impleaded as defendants when the claim of the interveners being heirs and their survivor-ship of Late Chandrachoor Deva was under serious challenge and this fact needs separate adjudication between the interveners and admitted heirs of Late Chandrachoor Deva. The erroneous order of the learned trial court is bound to change the nature of suit as the petitioner and the respondent 4th party in the suit have sought the relief only against the defendant 1st party-respondent 2nd party and not against the defendant 2nd party-respondent 3rd party, some of whom are the admitted heirs and legal representatives of Late Chandrachoor Deva.

11. The learned counsel for the petitioner further submitted that the interveners claim that Late Chandrachoor



Deva, for the first time, got married in the year 1928 with one Rajkumari Devi and the first wife died in the year 1930. Late Chandrachoor Deva solemnized another marriage in the year 1932 with Sunita Devi from whom two sons (they are defendant no. 8 and heirs of another deceased son are defendant nos. 9, 10 & 11) and four daughters were begotten. In the year 1964, Sunita Devi died and in the year 1968, Late Chandrachoor Deva performed third marriage with Sushila Devi from whom three sons and five daughters were begotten who are interveners/defendants. However, the factum of marriage of Sushila Devi with Chandrachoor Deva in the year 1968 was disputed by the other heirs of Late Chandrachoor Deva as in the year 1968, the age of Late Chandrachoor Deva was 62 years. Sushila Devi was initially married with some other person and she gave birth to some of the children and as she was a lady of questionable character, she was driven out by her husband. At the request of father of Sushila Devi, she was engaged as a maid and she remained in contact with so many persons and none of the heirs including respondent nos. 1, 2 & 3 and other heirs of Sushila Devi are the biological heirs of Late Chandrachoor Deva, who became ascetic person. With passage of years and taking advantage of helplessness and ailing condition of



Chandrachoor Deva, Sushila Devi got some deed executed in the year 1984. The learned counsel further submitted that thus, when there is serious question over the claim of the interveners for being the heirs of Late Chandrachoor Deva, without adjudication of status by a competent court, they cannot be impleaded as a party in the present suit.

12. The learned counsel for the petitioner further submitted that the impugned order suffers from the material irregularity as none of the objection taken by the petitioner and respondent 4th party were taken into consideration. The consideration on which the learned trial court proceeded was that simply because some of the heirs (admitted heirs) of Late Chandrachoor Deva were on record, the interveners were allowed to be impleaded. The learned counsel further submits that the claim of the interveners cannot be decided in the present suit as the interveners cannot claim adjudication of the issue of their heir-ship in the suit. The learned counsel further submitted that the learned trial court also did not take into consideration the fact that earlier petition with same prayer was rejected vide order dated 10.04.2014. The said petition was rejected on the ground that it was not being moved/pressed. Therefore, the order became final as it was never challenged. When the second



petition for impleadment was filed, no prayer was made for recall of earlier order. The learned counsel further submitted that the respondent no.12 contested the claim of Sushila Devi for drawing family pension of Late Chandrachoor Deva before the Secretary, Bihar Legislative Assembly. The authority sought explanation and succession certificate from Sushila Devi for being widow of Late Chandrachoor Deva which was never furnished. The learned counsel further submitted that the probate case/letters of administration filed by Sushila Devi for will purportedly executed in her favour by Late Chandrachoor Deva was dismissed.

13. The learned counsel for the petitioner further submitted that *inter se* dispute between the parties could not be decided in the present suit and relied on a decision of learned Single Judge of this Court in the case of ***Md. Sahood Alam & Ors. vs. Md. Nayyer @ Munna & Ors.*** reported in ***(2016) 1 PLJR 307.***

14. The learned counsel for the petitioner further submitted that in the garb of impleadment, the interveners want their claim of being heirs of Late Chandrachoor Deva to be decided, which cannot be permitted in the given suit. Thus, learned counsel submitted that the impugned order is not



sustainable and hence, the same be set aside.

15. On the other hand, learned counsel appearing on behalf of interveners/respondents 1st party opposed the submission made on behalf of the petitioner and submitted that the learned trial court has passed the order after consideration of the facts and circumstances and there is no infirmity in it. The learned counsel further submitted that the earlier application filed on behalf of the interveners was dismissed as it was not moved. So, it was not an order on merits and there could be no application of principles of *res judicata*. The learned counsel further submitted that the petitioner and respondent 4th party have given a wrong genealogical table omitting the names of interveners respondent 1st party. Late Chandrachoor Deva was well educated and a reputed personality of his age. He was an elected Member of Bihar Legislative Assembly, He was issued pension payment order and in the said papers, Smt. Sushila Devi was described as wife of Late Chandrachoor Deva. Sushila Devi and the interveners and their sisters stayed with Chandrachoor Deva till his death. Late Chandrachoor Deva took care of education of sons and daughters from his third wife, Sushila Devi, and got recorded their names in the school registers as his sons and daughters. He also executed several documents and out



of his love and affection had transferred various properties in their favour besides some properties in favour of his daughters and Sushila Devi by executing gift deeds. So, there could be no doubt about the status of interveners as heirs of Late Chandrachoor Deva. The learned counsel further submitted that the interveners being the legal heirs of Chandrachoor Deva, they have got right, title and interest in the co-parcenery property and if the plaintiffs and the respondent 4th party have been making claim over the said property, even though seeking relief only against the respondents 2nd party, the interveners have a genuine interest in the outcome of the suit and, therefore, they are the necessary parties.

16. The learned counsel further submitted that so far as claim of the petitioner about Sushila Devi not answering the query from the officials of the Bihar Legislative Assembly is concerned, Sushila Devi died on 17.03.2017 and she was on death bed and she never received the letter. Even the probate case was dismissed due to death of Sushila Devi. The learned counsel further submitted that the gift deed executed by Late Chandrachoor Deva in favour of his daughters and the interveners respondents 1st party have been filed on record as Annexure-R1/B series. The pension payment order is Annexure-



R1/A. Thus, learned counsel submitted that the learned trial court after examining the documents and on due consideration of facts and circumstances of the case rightly came to the conclusion that the legal heirs and successors of Late Chandrachoor Deva are the necessary parties to the suit and ordered for their impleadment and the said order cannot be assailed. Therefore, there is no infirmity in the impugned order and the same needs to be affirmed and the petition needs to be dismissed.

17. I have given my thoughtful consideration to the rival submission of parties and the facts and circumstances of the case as it appears from the record.

18. Though voluminous pleadings and lengthy arguments have been advanced by both the parties, but the short question involved in the matter is whether the respondents 1st party are necessary or proper party so as to allow their impleadment.

19. Order 1 Rule 10(2) of the Code provides as under:-

“10 (2). Court may strike out or add parties – The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be



just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name, of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”

20. The aforesaid provision enables a Court to add or delete a party and confers jurisdiction upon the Court for the said purpose. It is a discretion which is to be exercised judiciously. The aforesaid provision does not give any right to a person to be impleaded as party.

21. The Hon’ble Supreme Court in the case of ***Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd.***, reported in ***(2010) 7 SCC 417*** has discussed the law relating to impleadment of the parties. It will be relevant to quote paragraphs 13, 14, 15, 22, 25 & 27 of the said judgment:-

“13. The general rule in regard to impleadment of parties is that the plaintiff in a suit, being dominus litis, may choose the persons against



whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party has no right to be impleaded against the wishes of the plaintiff. But this general rule is subject to the provisions of Order 1 Rule 10(2) of the Code of Civil Procedure ("the Code", for short), which provides for impleadment of proper or necessary parties. The said sub-rule is extracted below:

"10. (2) Court may strike out or add parties.— The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added."

14. The said provision makes it clear that a court may, at any stage of the proceedings (including suits for specific performance), either upon or even without any application, and on such terms as may appear to it to be just, direct that any of the following persons may be added as a party: (a) any person who ought to have been joined as plaintiff or



defendant, but not added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the questions involved in the suit. In short, the court is given the discretion to add as a party, any person who is found to be a necessary party or proper party.

15. A “necessary party” is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a “necessary party” is not impleaded, the suit itself is liable to be dismissed. A “proper party” is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

22. Let us consider the scope and ambit of Order 1 Rule 10(2) CPC regarding striking out or adding parties. The said sub-rule is not about the right of a non-party to be impleaded



as a party, but about the judicial discretion of the court to strike out or add parties at any stage of a proceeding. The discretion under the sub-rule can be exercised either suo motu or on the application of the plaintiff or the defendant, or on an application of a person who is not a party to the suit. The court can strike out any party who is improperly joined. The court can add anyone as a plaintiff or as a defendant if it finds that he is a necessary party or proper party. Such deletion or addition can be without any conditions or subject to such terms as the court deems fit to impose. In exercising its judicial discretion under Order 1 Rule 10(2) of the Code, the court will of course act according to reason and fair play and not according to whims and caprice.

25. In other words, the court has the discretion to either to allow or reject an application of a person claiming to be a proper party, depending upon the facts and circumstances and no person has a right to insist that he should be impleaded as a party, merely because he is a proper party.

27. On a careful examination of the facts of this case, we find that the appellant is neither a necessary party nor a proper party. As noticed above, the appellant is neither a purchaser nor the lessee of the suit property and has no right, title or interest therein. The first respondent-plaintiff in the suit has not sought any relief against the appellant. The presence of the



appellant is not necessary for passing an effective decree in the suit for specific performance. Nor is its presence necessary for complete and effective adjudication of the matters in issue in the suit for specific performance filed by the first respondent-plaintiff against AAI. A person who expects to get a lease from the defendant in a suit for specific performance in the event of the suit being dismissed, cannot be said to be a person having some semblance of title in the property in dispute”.

22. Further, the Hon’ble Supreme Court in the case of ***Kasturi v. Iyyamperumal***, reported in **(2005) 6 SCC 733**, held that ‘necessary parties’ are those persons in whose absence no decree can be passed by the Court or that there must be a right to some relief against some party in respect of the controversy involved in the proceedings. On the other hand ‘proper parties’ are those whose presence before the Court would be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit although no relief in the suit was claimed against such person.

23. Further, the Hon’ble Supreme Court in the case of ***Sumtibai v. Paras Finance Co. Regd. Partnership Firm Beawer (Raj.)***, reported in **(2007) 10 SCC 82**, has held that a party having a semblance of interest in the suit property could



be impleaded as a party in the suit.

24. In the facts of the present case, this Court has merely to see that whether in absence of the interveners, the dispute raised between the parties can be effectively decided by the court. If the answer is 'Yes', the court should not allow a person whose presence is not required in just decision of the case to be added as a party.

25. The whole claim of the interveners is based on their claim of heir-ship of Late Chandrachoor Deva, the claim contested by the plaintiffs and respondents 4th party. The said controversy has nothing to do with the claim of the plaintiffs and the respondents 4th party which is against the defendants 1st party/respondent 2nd party. There is no relief claimed as such against the other admitted legal heirs of Late Chandrachoor Deva or the interveners. On the other hand, the interveners want their share if the contention of the plaintiffs and the respondents 4th party is upheld, but the same is not the subject matter of the suit as it only pertains to declaration of title over the suit land as to whether the plaintiffs and the respondents 4th party or defendants 1st party/respondents 2nd party are having title and possession over the suit land. In such a situation, I do not think the interveners are either necessary or even proper parties. The



claim of the interveners is about declaration of being heirs of Late Chandrachoor Deva and, thereafter, as a natural corollary, their claim in the ancestral/joint property. The intervener petition is more in the nature of settlement of claim of the interveners against other legal heirs of Late Chandrachoor Deva and *inter-se* dispute between the defendants cannot be decided in a suit filed by the plaintiffs/petitioner/respondent 4th party. The interveners want to get their status declared in the present suit which is simply not permissible as it would change the nature of suit.

26. Moreover, from the discussion of the facts of the case, I am of the considered opinion that the presence of the interveners is not at all necessary as there is no requirement for adding the interveners as party to enable the Court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit.

27. In the light of the facts and circumstances discussed here-in-above and the law laid down by the Hon'ble Supreme Court, I am of the considered opinion that the learned trial court committed error of jurisdiction when it allowed the petition dated 11.07.2014 filed by the interveners. Hence, the order dated 22.04.2016 passed by the learned Sub Judge-V, Begusarai



in Title Suit No. 235 of 2008 is set aside. Consequently, the petition dated 11.07.2014 filed by the interveners/defendants/respondents 1st party under Order 1 Rule 10 (2) read with Section 151 of the Code is dismissed.

28. As a result, the instant petition stands allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	AFR
CAV DATE	09.09.2024
Uploading Date	01.10.2024
Transmission Date	NA

