

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.473 of 2022

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Jumai Paswan son of Late Ratan Paswan, resident of Village Lakhani Bigha,
P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. Sant Paswan son of Mishri Paswan, resident of Village-Lakhani Bigha, P.S.-Danapur, P.O.-Khagaul, District-Patna.
2. Nagina Paswan son of Mishri Paswan, resident of Village-Lakhani Bigha, P.S.-Danapur, P.O.-Khagaul, District-Patna.
3. Jodhan Paswan, son of Late Ishari Paswan, resident of Village-Lakhani Bigha, P.S.-Danapur, P.O.-Khagaul, District-Patna.
4. Parmeshwar Paswan, son of Late Ishari Paswan, resident of Village-Lakhani Bigha, P.S.-Danapur, P.O.-Khagaul, District-Patna.
5. Sanskriti Food Processing Private Limited Company, Santosha Apartment Bandar Bagicha, P.S. Kotwali, District-Patna through Director Sri Pramod Kumar aged about 59 years, son of Late Nitya Nand Prasad Singh, resident of Village-Lakhani Bigha, P.S.-Danapur, P.O. Khagaul, District-Patna.
6. M.V. Builders and Developers Private Limited through Director Sri Gunjan Kumar aged about 49 years, son of Late Raghu Nandan Prasad Singh, resident of Holding No. 324, Road No. 11/B, Patliputra Colony, P.S. and P.O. Patliputra Colony, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate Mr. Rikesh Sinha, Advocate
For the Respondent nos.1 to4:		Mr. Bishwajeet Pandey, Advocate Mr. Manoj Kumar Ambastha, Advocate
For the Respondent nos. 5 & 6:		Mr. Jitendra Kishore Verma, Advocate Mr. Anjani Kumar, Advocate Mr. Shreyash Goyal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-10-2024

Heard learned counsel for the petitioner and the
learned counsel for the respondents.

2. The instant petition has been filed by the intervenor
defendant/petitioner under Article 227 of the Constitution of



India against the order dated 19.04.2022 passed by the learned Sub Judge-V, Danapur, Patna in Title Suit No. 342 of 2018 whereby and whereunder the petition filed by the defendant/petitioner under Order 1 Rule 10(2) of the Code of Civil Procedure (hereinafter referred to as 'the Code') has been rejected by the learned trial court.

3. Learned counsel for the petitioner submits that the intervenor sought his impleadment on the ground that the plaintiffs/respondents gave a wrong genealogical table claiming themselves to be descendants of one Meghu Paswan whereas the fact is that the intervenor is the direct descendants of Meghu Paswan as he is the grandson of said Meghu Paswan. But the learned trial court did not consider this fact. In fact, the plaintiffs/respondents have no relation with Meghu Paswan as they are descendants of Naga Paswan. The plaintiffs have no claim over Schedule-1 land of the plaint i.e., of Khata No. 155 Plot No. 1294 having area 23 decimal. Learned counsel further submits that in order to grab the land of the intervenor/petitioner, the plaintiffs have instituted the title suit against defendants without making the intervenor a party. Learned counsel further submits that the impugned order has been passed against the facts of the case and as the intervenor



defendant/petitioner is a necessary party, he ought to have been impleaded. However, the learned trial court committed error of jurisdiction and refused to implead the petitioner.

4. Learned counsel appearing on behalf of respondent nos. 1 to 4 vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that the intervenor defendant/ petitioner failed to bring on record a single document to show his connection with the Schedule-1 land of the plaint. On the other hand, the mutation of the said land runs in the name of plaintiffs/respondents. The intervenor has no relationship with the land of Khata No. 155, Plot No. 1294 as the mutation document of the intervenor shows he is having 36 decimal land of Khata Nos. 78, 89 and 144 having Khesra Nos. 645, 1234 and 1221. The learned trial court has taken note of this fact and has rightly held that the description of the land given by the plaintiffs does not show any interest or relationship of the intervenor with the suit land. Learned counsel further submits that the intervenor/petitioner has filed a completely vague and frivolous petition in collusion with the defendants of the case. The intervenor/petitioner has also given a genealogical table completely different from the plaintiffs/respondents showing no connection with the plaintiffs/respondents or their



land. Learned counsel further submits that if the intervenor/petitioner is making any claim through Meghu Paswan, he is free to institute a case seeking declaration of his title over the property which he claimed to be belonging to his ancestors. Learned counsel further submits that the plaintiffs/respondents have substantiated their claim about being descendants of Meghu Paswan through entry of *Khatian* and *Jamabandi* and revenue receipts issued by the State Government whereas no such document has been brought on record by the intervenor/petitioner. The intervenor/petitioner never made payment of rent of Plot No. 1294 under Khata No. 155 and has not even challenged the *Jamabandi* created in the name of the plaintiffs/respondents. Thus, the intervenor/petitioner is completely a stranger to the suit property and is having no semblance of interest.

5. I have considered the rival submission of the parties in the light of facts and circumstances of the case. From the facts of the case, it is evident that there is no document on record to show the relationship and interest of the intervenor/petitioner with the suit land. If the petitioner claims right, title and interest over the suit land on the ground of being descendants of a person through whom the



plaintiffs/respondents are also claiming their right, the petitioner is at liberty to chart his own independent course to establish his rights. In absence of any documents or material to show his interest in the suit property and merely on vague submission, impleadment could not be allowed. Therefore, I do not find any infirmity in the impugned order dated 19.04.2022 passed by the learned Sub Judge-V, Danapur, Patna in Title Suit No. 342 of 2018 and the same is affirmed.

6. Accordingly, the instant civil miscellaneous petition stands dismissed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2024
Transmission Date	NA

