

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.786 of 2023

Md. Islam, Son of Late Liyakat Hussain, resident of Village - Chochahi, P.S. and Anchal - Paroo, Sub-Division and Munsifi-Muzaffarpur West, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. Md. Kalam, Son of Late Liyakat Hussain, Resident of Village - Chochahi, P.S. and Anchal - Paroo, Sub-Division and Munsifi- Muzaffarpur West, District - Muzaffarpur.
2. Md. Sadam, Son of Md. Kalam, Resident of Village - Chochahi, P.S. and Anchal - Paroo, Sub-Division and Munsifi- Muzaffarpur West, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner on the point of admission and I intend to dispose of the present petition at the stage of admission itself.

2. The instant petition has been filed by the plaintiff/petitioner under Article 227 of the Constitution of India against the order dated 05.01.2023 passed by the learned Munsif, West Muzaffarpur in Title Suit No. 42 of 2015 whereby and whereunder the petition filed by the plaintiff/petitioner under Order 1 Rule 10 and Section 151 of the Code of Civil Procedure (hereinafter referred to as ‘the Code’) has been rejected by the learned trial court.

3. Order 1 Rule 10(2) of the Code reads 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.”

4. Any impleadment in a pending suit would be only under the provisions of Order 1 Rule 10(2) of the Code and I do not think the petitioner has made out a case which would fall under the conditions provided under Order 1 Rule 10(2) of the Code. The petitioner is aggrieved by the order of the learned Munsif disallowing his prayer for impleading Circle Officer, Paroo and DCLR, West Muzaffarpur as parties in the suit pending before the learned Munsif. The petitioner seeks their impleadment on the ground that they committed certain irregularities in discharge of their official duties and allowed the Mutation Appeal No. 84/11/12. Only because the petitioner is aggrieved by the acts of the administrative officers in discharge of their official duty, the same does not give any right to the petitioner to implead the officials as parties in his suit since he



has not claimed any relief against those officials or even against the State of Bihar. The petitioner has failed to show how the persons sought to be impleaded are either necessary or proper parties. Moreover, against irregularities committed in discharge of their duty by the Government officials, the petitioner has other remedies but certainly not by way of impleadment in the present suit without seeking any relief against them. Therefore, I do not find any infirmity in the impugned order dated 05.01.2023 passed by the learned Munsif, West Muzaffarpur in Title Suit No. 42 of 2015 and the same is affirmed.

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

(Arun Kumar Jha, J)

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