

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.440 of 2025

Ravi Poddar Son of Shiv Bhagwan Poddar, Resident of Village - Jawahar Lal Road, Police Station- Muzaffarpur Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. M/s Mitra Mandal Sangathan (Association of person) hereinafter called AOP through its consulted President, Kali Das Singh @ Kali Das, Son of Munna Lal Singh @ Muna Lal Singh, Resident of Y-22/05, Awas Vikas Kalyanpur, Kanpur City, Uttar Pradesh, Permanent Address Village and Post Office- Kashipur, Police Station- Kashipur Kanpur Dehat, District- Kanpur Dehat, Uttar Pradesh, PIN Code - 209311.
2. Kali Das Singh @ Kali Das Son of Munna Lal Singh @ Muna Lal Singh Resident of Y-22/05, Awas Vikas Kalyanpur, Kanpur City, Uttar Pradesh, Permanent Address Village and Post Office Kashipur, Station Kashipur Kanpur Dehat, District - Kanpur Dehat, Uttar Pradesh, PIN Code - 209311.
3. Ajit Kumar Son of Akhileshwar Prasad Resident of Marhowrah Khurd, Police Station - Marhowrah, District -Saran, Chapra.
4. Miss Sandhya Daughter of Shri Ram Avadh Singh Resident of Village and Post Office Rampur, Police Station Kotwali, District Ghazipur (Uttar Pradesh), PIN Code-233001.
5. Hemant Singh Son of Rama Singh, Resident of Village and Post Office - Kashipur, Station Kashipur Kanpur Dehat, District - Kanpur Dehat, Uttar Pradesh, PIN Code 209311.
6. Anil Katiyar Son of Shiv Ratan Katiyar Resident of Ashok Nagar, Belhaur, Kanpur Nagar, Station - Kashipur Kanpur Dehat, District- Kanpur (Uttar Pradesh), PIN Code-208001.
7. Raj Kumar Son of Kali Charan Singh Resident of Mohalla Narendra Nagar, House No. 37/D, Unnao, Police Station- Unnao Dhana, District- Unnao (Uttar Pradesh), PIN Code - 209831.
8. Santosh Kumar Son of Kali Charan Singh Resident of Plot No. 16, Ganga Nagar, Shyam Nagar, Kanpur, Police Station- Shyam Nagar, District- Kanpur Nagar (Uttar Pradesh).
9. M/s Mitra Mandal Sangathan, a Society registered under U.P. Co-operative Societies Act, 1985 through its Chairman Kali Das Singh @ Kali Das, Son of Munna Lal Singh @ Muna Lal Singh, Resident of Y-22/05, Awas Vikas Kalyanpur, Police Station- Thana, Kanpur City, Uttar Pradesh.
10. Raj Kumar Agrawal Son of Late Shri Shankar Lal Agrwal, Resident of Gunjan Trading Company, Office 123/360 (Up-Rolling Mill Compound), Fazalganj, Kanpur Nagar, Police Station - Kanpur Nagar, District - Kanpur (Uttar Pradesh).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh, Sr. Adv.



For the Respondent/s : Mr. Varun Krishna Singh, Advocate
Mrs. Aastha Ananya
Mr. Subodh Kumar, Advocate
Mr. Awadhesh Kumar Singh, Advocate
Mr. Pranav Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 06-01-2026 Heard learned counsel for the petitioner as well as
learned counsel appearing on behalf of the respondent.

2. The instant Civil Miscellaneous application has been filed on behalf of the petitioner against the order dated 07.02.2025 passed in Title Suit No. 625 of 2019 by the learned Sub-Judge, Marhowrah at Saran whereby the petition filed by the petitioner under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure for impleadment of subsequent twelve purchasers of the suit property during the pendency of the suit for their impleadment as party/defendant has been rejected.

3. Learned counsel for the petitioner submits that Title Suit No. 625 of 2019 has been instituted by the petitioner against the defendants. During the pendency of the suit, defendant no. 2 has alienated a portion of the suit property in favour of twelve purchasers, whose names are mentioned in Annexure-2. The petitioner seeks their impleadment in order to avoid multiplicity of proceedings and, to that end, filed an application under Order I Rule 10 of the Code of Civil



Procedure, which has been rejected by the impugned order.

4. Learned counsel for the respondent submits that the suit has been pending since 2019 and the plaintiff has not examined even a single witness till date. It is further submitted that issues were framed on 13.01.2025, and therefore there is gross laches on the part of the plaintiff. It is contended that impleadment of the subsequent purchasers at this stage would further prolong the litigation. Learned counsel further submits that an order of injunction has already been granted in favour of the plaintiff/petitioner and the plaintiff is deliberately delaying the proceedings.

5. Per contra, learned counsel for the petitioner submits that the petitioner undertakes to conclude his evidence within a period of six months.

6. After hearing learned counsel appearing on behalf of both the parties, it appears that for complete and effective adjudication of the suit and to avoid multiplicity of the suit, the subsequent purchasers are necessary parties, particularly in view of the fact that the suit property has been transferred by the defendant during the pendency of the suit without the permission of the Court.

7. However, such purchasers shall be entitled only to



step into the shoes of their vendor and shall not be permitted to file any written statement in conflict with the written statement filed by their vendor/defendants.

8. In the aforesaid circumstances, the impugned order is set aside. In view of the undertaking given by the plaintiff/petitioner, he is directed to conclude his evidence within a period of six months. Thereafter, the respondent shall also conclude his evidence, so that the suit may be disposed of within a total period of nine months.

9. It is made clear that if the petitioner fails to conclude his evidence within the stipulated time, the respondent shall be at liberty to file an appropriate application for vacating the order of injunction.

10. Accordingly, the instant application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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