IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 230 of 2026

Ganesh Sahu, S/o Late Chamru Sahu, aged about 52 years, by occupation Agriculture and business, R/o Village Pithoria, P.O. & P.S. –Pithoria, District –Ranchi, Jharkhand.

.... Petitioner

Versus

1. Rakesh Ranjan, aged about 54 years, R/o Ashok Kunj, in front of Lions Club, Ashok Nagar, P.O. –Ashok Nagar, P.S. –Doranda, District –Ranchi.
2. Smt. Sachan Devi, wife of Late Chamru Sahu (Now Deceased)
3. Sheobrat Sahu, S/o Late Chamru Sahu.
4. Madhu Sahu, S/o Late Chamru Sahu
   O.P. Nos. 2 to 4, all are resident of village –Pithoria, P.O. & P.S. –Pithoria, District –Ranchi.
5. Fudwa Devi, wife of Sri Panchdeb Sahu, D/o Late Chamru Sahu, R/o Village –Manjhla Ghumba, P.O.+P.S. –Giddi, District –Ramgarh.
6. Jitan Devi, wife of Sri Seobans Sahu, D/o Late Chamru Sahu, R/o Village –Haratar, P.O. –Hinoo, P.S. Doranda, District –Ranchi.
7. Dulari Devi, wife of Sri Lalchand Sahu, D/o Late Chamru Sahu, R/o Village –Adchoro, P.O. & P.S. –Nagri, District –Ranchi (Jharkhand) …. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioner : Mr. Jay Prakash Pandey, Advocate
For the O.P. Nos. 1, 3 to 5 & 7 : Mr. Satish Kumar Keshri, Advocate

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By the Court:-

1. Heard the parties.

2. Though notice has been validly served upon the opposite party no.2 and 6 but no one appears on behalf of the opposite party nos. 2 and 6 in-spite of repeated calls.

3. This civil miscellaneous petition has been filed invoking the jurisdiction of this Court under Article 227 of the Constitution of India with the prayer to quash the order dated 15.03.2023 passed by the learned Additional Judicial Commissioner –XVIII, Ranchi in Civil Appeal No.158 of 2019 whereby and where under the learned Additional Judicial Commissioner –XVIII, Ranchi has allowed the prayer made by the opposite party no.1 herein who is the subsequent purchaser of the suit land for impleading him as a respondent of the said Civil Appeal No. 158 of 2019 of the Court of learned Additional Judicial Commissioner –XVIII, Ranchi.

4. The brief fact of the case is that the opposite party no.1 is the purchaser of the suit property in respect of which suit for partition was filed vide Partition Suit No. 631 of 2011 in the court of Sub-Judge –I, Ranchi. The suit of the plaintiff for partition was decreed in part by holding that the plaintiff is entitled for part relief as far as the properties mentioned in Schedule A and Schedule C of the plaint only. Being aggrieved by the judgment and decree dated 22.02.2018, in Original Suit No. 631 of 2011 (as the suit number which has initially been mentioned as Partition Suit No. 631 of 2011 in the impugned order was corrected vide order dated 17.07.2018 by the Sub-Judge-III, Ranchi as Original Suit No. 631 of 2011). The plaintiff of the said suit namely Ganesh Sahu filed First Appeal No. 142 of 2018 in this Court but consequent upon enhancing of the pecuniary jurisdiction of the district courts, the appeal was remitted to the court of Judicial Commissioner, Ranchi

and the same was registered as Civil Appeal No. 158 of 2019. The petition filed by the opposite party no.1 herein was numbered as Misc. Civil Application No. 106 of 2022 and the learned Additional Judicial Commissioner considering the fact that the petitioner is subsequent purchaser and taking into consideration the provision of law as envisaged under Section 52 of the Transfer of Property Act and considering the fact that the petitioner has purchased the land in respect of which, the suit was partly decreed, allowed the petition for impleading the opposite party no.1.

5. It is submitted by the learned counsel for the petitioner that the property of Schedule A and Schedule C is divided 1/7th share and the Schedule B is not divided because this land has been purchased by Sevarth Sahu and Madhu Sahu and all the properties are recorded in the name of Garib Teli, Udai Nath Teli and Pawan Teli. It is next submitted that since the opposite party no.1 has not purchased the Schedule B land of the suit for which partition has been allowed, the learned first appellate court has mechanically allowed the petition without considering the facts of the case. Therefore, the prayer as prayed for in this civil miscellaneous petition be allowed.

6. The learned counsel for the opposite party nos. 1, 3 to 5 and 7 submits that the contention of the petitioner is misconceived and drawing attention of this Court to the judgment of the trial court passed in Original Suit No. 631 of 2011, it is submitted by the

learned counsel for the opposite party nos. 1, 3 to 5 and 7 that in para -20 and 21 therein it has categorically been mentioned that the plaintiff is entitled for the part relief so far, as the property mentioned in Schedule A and Schedule C of the plaint only. So, this nullifies the contention of the petitioner that the suit was decreed in respect of the Schedule B property only.

7. Relying upon the Judgment of the Hon'ble Supreme Court of India in the case of **Moreshar Yadaorao Mahajan Vs. Vyankatesh Sitaram Bhedi (D) Thr. Lrs. And Others**, reported in **2022 8 Supreme 674** it is submitted by the learned counsel for the opposite party nos. 1, 3 to 5 and 7 that therein the Hon'ble Supreme Court of India relied upon its own judgment in the case of **Mumbai International Airport Private Limited Vs. Regency Convention Centre and Hotels Private Limited and Others**, reported in **(2010) 7 SCC 417** wherein in para -15, the Hon'ble Supreme Court of India has laid down the law as to who is a necessary party and who is a proper party to a suit and submits that since the opposite party no.1 herein has undisputedly purchased a part of the suit property, the opposite party no.1 herein is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters. Hence, it is submitted that the opposite party no.1 is at least a proper party to the suit. It is then submitted that therefore, no illegality has been committed by the learned Additional Judicial Commissioner in allowing the petitioner to implead the

opposite party no.1 as a respondent in the said Civil Appeal No. 158 of 2019.

8. The learned counsel for the opposite party nos. 1, 3 to 5 and 7 next relies upon the order of a Co-ordinate Bench of this Court in the case of **Lakhan Dom Vs. Mukesh Mittal**, **passed in W.P.(C) No. 2801 of 2008 dated 01.08.2009** wherein the Co-ordinate Bench of this Court relied upon the Judgment of the Hon'ble Supreme Court of India in the case of **Sumtibai and Others Vs. Paras Finance Co. Regd. Partnership Firm Beawer (Raj.) though Mankanwar (Smt.) W/o Parasmal Chordia (Dead) and Others**, reported in **(2007) 10 SCC 82** in para -14 of which it has been observed as under:-

> *"14. In view of the aforesaid decisions were are of the opinion that Kasturi case is clearly distinguishable. In our opinion it cannot be laid down as an absolute proposition that whenever a suit for specific performance is filed by A against B, a third party C can never be impleaded in that suit. In our opinion, if C can show a fair semblance of title or interest he can certainly file an application for impleadment. To take a contrary view would lead to multiplicity of proceedings because then C will have to wait until a decree is passed against B, and then file a suit for cancellation of the decree on the ground that A had no title in the property in dispute clearly such a view cannot be countenanced." (emphasis supplied)*

And submits that therein it has been held by the Hon'ble Supreme Court of India that it cannot be laid down as an absolute proposition that whenever a suit for specific performance is filed by A against B, a third party C can never be impleaded in that suit and if C can show a fair semblance of title or interest, he can certainly file an application for impleadment and to take a

contrary view would lead to multiplicity of proceedings because then C will have to wait until a decree is passed against B, and then file a suit for cancellation of the decree on the ground that A had no title in the property in dispute and clearly such a view cannot be countenanced. Therefore, no illegality has been committed by the learned Additional Judicial Commissioner-XVIII, Ranchi in passing the impugned order. Hence, it is submitted that this civil miscellaneous petition being without any merit be dismissed.

9. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that this court finds that the only contention of the petitioner is that since the suit has been decreed in respect of the Schedule B property for partition and the opposite party no.1 herein has not purchased the Schedule B property, hence impleading him as a party to the Civil Appeal No. 158 of 2019 is not sustainable in law but perusal of the record reveals that such contention of the petitioner is misconceived as in para -21 of the judgment passed by the learned Sub-Judge-III, Ranchi in Original Suit No. 631 of 2011 dated 22.02.2018, this Court finds that the suit has been decreed in part so far as the relief as claimed in respect of the property mentioned in Schedule A and Schedule C of the plaint. The undisputed fact remains that the opposite party no.1 herein has purchased the suit Plot Nos. 751, 752 and 753 in various areas, which are the Schedule A property. Therefore, this

Court does not find any illegality in the impugned order and at least the opposite party no.1 herein is a proper party to the said Civil Appeal No. 158 of 2019 as in his absence an effective decree cannot be passed.

10. Therefore, in the considered view of this Court this is not a fit case where the impugned order warrants interference of this court in exercise of its power under Section 227 of the Constitution of India.

11. Accordingly, this civil miscellaneous petition being without any merit is dismissed.

12. Let a copy of this judgment along with the Lower Court Records be sent back to the court concerned forthwith.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 4th May, 2026
AFR/Sonu-

Uploaded on 18.05.2026