

In the Court of Sub-Judge, Kahalgaon

T.S No. 17/18

Dated 17.07.19

This record has been placed before me today for order on petition dated 29.01.2019 filed by Prahlad Choudhary and Others under O 1 r 10(2) of C.P.C. for impleading them as intervenor in the present suit. A rejoinder to the same has been filed by plaintiff on 15.03.19. learned counsel for both the parties were heard at length on last dates.

The learned counsel for the intervenor submits that the petitioners have filed a T.S No. 250/2006 with respect to land bearing khata no. 868 plot no. 106 area 18 dec., plot no. 121 area 47 dec. , plot no. 123 area 44 dec. situated at Mauza Bholsar thana no. 379, P.S Kahalgaon District Bhagalpur and in that suit the State of Bihar and Purushattam Rungta, Nirmal Rungta & others are defendants. The petitioners have claimed declaration of their subsisting indefeasible right, title and interest in the aforesaid land and also that the revisional survey entry is wrong. The present suit has been filed by Sugriv Mandal & others with respect to land of khata no. 868 khesara 121 area 47 dec. against State of Bihar and other persons for declaration that they are the rightful owner having right, title and interest and also against the R.S Khatian entry. Under the circumstances the plaintiffs of T.S No. 250/2006 are necessary party in this suit. The court can at any stage of proceeding implead the petitioner as intervenor. The petitioners have sufficient document to support their case. On these grounds the learned counsel prays for impleading the intervenor as defendant in the present suit.

While opposing the petition learned counsel for the plaintiff submits that the plaintiff has preferred the present suit against the State of Bihar for declaration of their right, title and interest on the basis of settlement in favour of their great grandfather Bulaki Mandal from ex-landlord Bhiku Mandal. The name of said Bulaki Mandal was mutated in anchal Serista and he has obtained rent receipt for the same. The present petition is not maintainable. The petitioner have not filed any document in support of their petition and without going through those documents, the petition dated 29.01.2019 is fit to be dismissed.

Heard both side and perused the record. The petitioner wishes to be added as defendant into the present suit on the ground that they have also preferred a suit for the same land which is still pending. In that suit the petitioner are claiming the suit land on the basis of registered sale deed

dated 24.09.1908. While the plaintiffs in the present suit is claiming the suit land on the basis of settlement from ex-landlord Bhiku Mandal. The petitioners have filed copy of sale deed dated 24.09.1908, information slips copy of return, rent receipts and copy of khatiyani to support their case. The record of T.S No. 250/2006 is also perused by me. In that suit the petitioners have filed all these documents along with other documents to support their case. In view of the material brought on record by intervenor's it appears that they also have prima facie interest in the suit land and they have direct interest in the suit property. His presence also appears necessary to avoid conflict of decision and pass an effective decree. The petitioner appeared to be a necessary and proper party in the suit as their interest is going to be directly affected by any order passed in the suit. Their presence is also necessary for complete and final adjudication of the case. Under the above facts and circumstances and discussion made the petition dated 29.01.2019 is allowed the petitioners are directed to be impleaded as defendants.

(Deepak Singh Verma)
Sub Judge Kahalgaon