

IN THE COURT OF SUB JUDGE-I, JAGDISHPUR

Title Suit Case No.:178/2021

CIS No.:178/2021

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with
22/09/2023	<p style="text-align: center;">Attendance has been filed on behalf of both the parties. Today, record produced for passing an order on petition dated 30-06-2023 filed on behalf of plaintiff under order 1 rule 10 read with section 151 of the Civil Procedure Code and rejoinder thereon dated 24/08/2023. <i>Ld. Advocate of both sides have already been heard. Peruse the case record, on the perusal of case record, it transpires that plaintiff has submitted in his petition that plaintiff has filed this suit for the declaration that sale deed dated 18/12/2020 and 27/03/2021 executed by defendant no. 4 & 5 in favour of defendant no. 3 in respect of suit land mentioned in schedule C of the plaint are void. Further plaintiff submitted that defendant no. 3 again executed the sale deed bearing deed no. 5151 on dated 29/05/2023 in favour of Kiran Devi and prior to this, defendant no. 3 has also executed the sale deed in respect of suit land in favour of Pradeep Kumar and Indrajeet Prasad through sale deed no. 5071 on dated 26/05/2023 and these purchasers are trying to dispossess the plaintiff from the suit land mentioned in schedule 2 and 3 of the plaint. Further plaintiff submitted that defendant no. 3 Manju Devi herself has not got the possession over her purchased land through void sale deed and defendant no. 3 appeared in this case and contesting the suit by the way of filing her written statement and during the pendency of the suit, she has transferred the suit land to Kiran Devi, Pradeed Kumar and Indrajeet Kumar and they are trying to dispossess the plaintiff and prayed for adding the name of new purchasers namely Kiran Devi, Pradeed Kumar and Indrajeet Kumar as a defendant no. 16 to 18 in this case. On the perusal of case record, it transpires that defendant no. 3 Manju Devi has opposed the said petition through her rejoinder dated 24/08/2023 and submitted that plaintiff has filed said petition with intention to cause delay of this case and create trouble to the defendant. Further defendant submitted that she has appeared and contesting the suit therefore no need to add the name of her purchaser as a defendant in this case and if the name of new purchaser will be added in that case, the hearing of this case will be delayed. Further, defendant submitted that it is wrong to say that she is not in the possession over her purchased land but the true fact is that she came in to the possession over the suit land on the date of sale deed and after the execution of sale deed, her purchasers also came into the possession over the suit land and their name have also been muted and plaintiff has preferred an appeal before the DCLR against the order of mutation which has been rejected and prayed for rejecting the</i></p>	

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petition.

On the perusal of case record, it transpires that plaintiff has filed this suit for the declaration that defendant no. 4,5,13 and 14 have no title over the suit land mentioned in schedule B of the plaint and both sale deed dated 18/12/2020 & 27/03/2021 are void document. On the perusal of case record it transpires that presently suit is running for the appearance of defendants and meanwhile plaintiff has filed the said petition and submitted that defendant no. 3 has executed the sale deed in favour of Kiran Devi, Pradeed Kumar and Indrajeet Kumar and further plaintiff submitted that new purchasers trying to dispossess the plaintiff forcibly. Defendant no. 3 herself appeared and admitted the fact that she has transferred the suit land through the execution of sale deed. On the perusal of case record, it transpires that no issue settled as yet in this case.

Therefore, in the fact and circumstances mentioned above, this court is of opinion that presence of new purchasers of suit land is necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in this suit. Hence for the interest of justice, above said petition of plaintiff allowed. Office is directed to add the name new purchasers as defendant no. 16 to 18 thereafter plaintiff is directed to file the requisites for the issuance of notice. Put up on 31/10/2023 for appearance

Sub Judge-I
Jagdishpur