

**IN THE COURT OF CIVIL JUDGE-I (SR. DIV.), PIRO AT BHOJPUR**

**Title Suit No. 64 of 2015**

**Samidan Khatoon & others Vs Bihar Sarker & others**

<b>S.L. No.</b>	<b>Date of Order of Proceedings</b>	<b>Order with signature of Court</b>	<b>Office action taken with date/Remarks</b>
	19.05.2025	<p>The learned counsel representing the intervenor applicants Imamuddun and three others pressed his petition dated 27.02.2025 filed under Order I Rule 10(2) read with Section 151 C.P.C. praying to made them as a party to the suit. The copy of petition has already been served upon the ld. Counsel for the plaintiffs and ld. A.G.P. representing the defendants. It has been submitted on behalf of applicants that the plaintiff has filed this suit for declaration of title and the applicants are the legal representative of khatiyani raiyat of c.s. khatian of disputed land namely, Sukhari Miya. He further referred the g.t. given in the application which has been duly supported with the copy of the khatian relating to khata no. 121, sale deed dated 19.05.1981, adhar card, voter Id card, ration card, the passbook of Madhya Bihar Gramin Bank, the g.t issued by C.O. Piro, Bhojpur. He further submitted that earlier this petition was dismissed for non-prosecution and has never been decided on merit. On these grounds the ld. Counsel on behalf of intervenor applicants prays to make the applicant as party to the suit.</p> <p>The rejoinder has been filed on behalf of plaintiff no. 1, plaintiff no. 2 and defendants on 28.04.2025, the copy which has already been served upon the ld. Counsel for the intervenor applicant. It has been prayed in all those three rejoinders that the petition be dismissed on the ground that the petition has already been decided on merit and the applicants are not legal heirs of Sukhari Miya. The applicant do not belong to the family of plaintiff. The ld. Counsel representing plaintiff no. 2 relied on 2000(3) PLJR. The ld. A.G.P. vehemently opposed the petition on the ground that the r.s khatiyani which is in the name of Bihar Sarkar and the khatian does not reflect the applicants as the legal heirs of khatiyani raiyat.</p> <p>Heard at length and perused the case record. From persual of the case record it transpires that on 19.09.2022, 27.09.2023 and 11.12.2024, the applications of the intervenor applicants have been dismissed for non prosecution. Further, from minute perusal of the ordersheet, it transpires that the said petition has never been decided on merit. Though, it appears that the order passed by the then Court has never been drawn in the ordersheet with clarity leading to ambiguity as argued by the ld. Counsel for the plaintiff and the defendants. Thus, it appears judicious and proper to pass order on in relation to the petition on merit. From persual of the plaint, it appears that the</p>	

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