

IN THE COURT OF SUB-JUDGE - II, DUMRAON, BUXAR

VINOD KUMAR vs. JAWAHAR PRASAD & OTHERS

T.S 280/2016

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with date
10-2-2020	<u>ORDER</u> Heard. Perused record. This case has been placed on daily basis for final arguments. The arguments on behalf of defendant was completed on 1st February 2020 thereafter the case was placed for arguments of plaintiff. Learned counsel Vikash Anand (Advocate) appearing on behalf of plaintiff has filed a petition under order I Rule 10 Civil Procedure Code for adding as party certain persons, whereby, learned counsel has prayed that certified copy of sale deed dated 28-03-2009, certified copy of sale deed dated 02-03-2009, certified copy of sale deed dated 28-03-2012, certified copy of sale deed dated 30-03-2013 were filed by the defendants through which sale deed was made to (1) Meera Devi wife of Kamta Prasad Singh, Vill- Shivpur P.S.- Navanagar, Dist.- Buxar. (2) Moti Jharo Devi Wife of Lalit Prasad Singh, Vill- Shivpur P.S.- Navanagar, Dist.- Buxar. (3) Lakshmina Devi Wife of Ayodhya Singh Yadav, Vill- Shivpur Dera P.S.- Navanagar, Dist.- Buxar. (4) Du. Meera Devi respectively. Learned counsel of plaintiff has prayed that the purchasers of the land through the above mention sale deeds are necessary parties hence in the light of above mentioned certified copies (which are also marked as exhibits) in this case following persons should be impleaded as necessary parties in this case :- (1) Meera Devi wife of Kamta Prasad Singh Vill- Shivpur P.S.- Navanagar, Dist.- Buxar. (2) Moti Jharo Devi Wife of Lalit Prasad Singh Vill- Shivpur P.S.- Navanagar, Dist.- Buxar. Cotinued...	

IN THE COURT OF SUB-JUDGE - II, DUMRAON, BUXAR

VINOD KUMAR vs. JAWAHAR PRASAD & OTHERS

T.S 280/2016

10-02-2020

(3) Lakshmina Devi Wife of Ayodhya Singh Yadav
Vill- Shivpur Dera P.S.- Navanagar, Dist.- Buxar.

(4) Du. Meera Devi

Learned counsel Sri Rajesh Kumar Singh(Advocate) appearing on behalf of the defendants has filed rejoinder to plaintiff petition on dated. 04-02-2020 whereby learned Counsel defendants has objected to petition dated 03-02-2020 on following grounds

(a) Plaintiff's petition dated 03-02-2020 is not legally maintainable.

(b) That the defendant has filed the written statement on 20-06-2017 an in paragraph number 11 on written statement. The details of the sale deed were mentioned and the corresponding purchasers were also mentioned.

(c) That the details of all the sale deed mentioned in the petition dated 03-02-2020 of plaintiffs were mentioned in the written statement but plaintiff failed to implead the respective purchasers as aparty to the suit.

(d) That both parties have completed there final arguments but in order to prevent any order/Judgment to be passed in the case, the plaintiff has filed the instant petition.

(e) That Moti Jharo Devi has already expired but she has not been impleaded as a party with in prescribed time limitation. On hearing of arguments as present on records it transpires that the case were placed on final arguments on daily basis. both the party completed that there respective sets of arguments.

From Perused of the order sheet it is evident that the defendants as well as the plaintiffs had filed there respective documents through petition and list of documents.

The documents listed in the 'list of documents' are present on record dated 20-03-2018

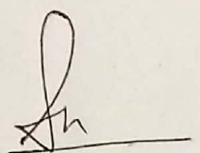
continued

IN THE COURT OF SUB-JUDGE - II, DUMRAON, BUXAR
VINOD KUMAR vs. JAWAHAR PRASAD & OTHERS
T.S 280/2016

10-02-2020

Photocopy of death certificate of Moti Jharo Devi issued on 25-02-2013 has been filed along with the rejoinder the death certificate mention that on the basis of the above observation the court is the opinion that the plaintiff have failed implead the person mentioned in the petition dated 03-02-2020 as proper and necessary parties as the written statement were filed on 20-06-2017 and this written statement is present on record so the plaintiffs had knowledge of the facts mentioned in the written statement. It is also pertinent that plaintiff had got sufficiently loong time span of more than two years available to him in order to initiate and get completed proper procedural requirements and steps to include necessary parties. Despite this fact plaintiffs have failed to implead necessary parties. At this stage of final arguments and proceedings towards judgement and final disposal of the case , it appears that plaintiff has deliberately filed this petition in order to prevent the judgement being pronounced and misuse the process of the court.

On the basis of the above observation the court rejects the petition dated 03-02-2020 of plaintiff.



S.M.Afzal
Sub-Judge-II
Dumraon-Buxar.