

In the Court of Sub Judge-II, Benipur

Present:- Pranav Kumar Bharti

Title Suit No.-49 of 2017, Registration No.-58/17

Jiwanand Jha vs. The State of Bihar & Other

16-09-2021

Case is called out and record is produced before me. Both plaintiff and defendants are in attendance. Perused the case record. On call learned counsel of the plaintiff appeared in the Court and submitted that plaintiff has filed a petition U/O-I, Rule-10 & section-151 of the Civil Procedure Code herein after referred as the C.P.C. Copy is supplied to the defendant. In this petition, it is submitted that unfortunately, plaintiff couldn't verify the Revisional Survey khatian of Mouza Rampur Udai, Khata No.-819, R.S.P. No.-1153. From perusal of new Khata No.-819, R.S.P. No.-1153 of Mouza Rampur Udai, thana No.-221, it transpires that the Revisional survey authority recorded Awaidh Dakhal of Nirbhay Narayan Jha, s/o-Sukhdeo Jha and Lalit Mohan Jha, s/o-Trilok Nath Jha both R/O- village+P.O- Rasheedpur, Anchal + P.S.- Alinagar, Distt.-Darbhanga incorrectly and against the real state of affairs. Further submission of learned counsel of the plaintiff is that aforesaid Nirbhay Narayan Jha, s/o- Late Sukhdeo Jha was/is bonafide purchaser of land in suit by means of registered sale deed no.-5758, dated-23.01.1960. Further submission of the plaintiff is that both above named person namely Nirbhay Narayan Jha and Lalit Mohan Jha are dead now. The son of Nirbhay Narayan Jha is plaintiff himself in the suit and it is expedient that legal heirs of late Lalit jha be impleaded in the suit in the interest of justice in order to avoid future danger in the frame of the suit. Further submission of the plaintiff is that presence of the heirs of deceased Lalit Mohan Jha is necessary in order to enable the Court for complete and effectual adjudication and settle all the questions involved in the suit. Therefore, he prayed to the court to order to add the legal heirs of the deceased Lalit Mohan Jha as defendant as mentioned in the foot of the plaint in the interest of justice.

No rejoinder petition is filed on behalf of the either party.

Continue.....

Title Suit No.-49 of 2017,Registration No.-58/17

Jiwanand Jha vs. The State of Bihar & Other

16-09-2021

Continued.....

Heard the learned counsel Sri Jai Prakash Jha & Sri Amarnath Mishra,Ld. A.G.P. Perused the case record. On perusal of the plaint and entire case record,it appears to the court that averment made by the petitioner in petition dated-16.09.2021 seems to be true and for the effectual and complete adjudication of this case, the presence of the legal heirs/representatives of deceased Lalit Mohan Jha in the suit is essential.

Considering the fact and circumstances as discussed above,the court is inclined with contention of learned counsel of the petitioner/plaintiff and the court is of opinion that they are essential parties to this suit and their names be added in the plaint in the array of defendants and accordingly plaint is required to be amended in accordance with law. Thus,petition dated-16.09.2021 on behalf of the petitioner is disposed of as accordingly. Learned counsel of the plaintiff is directed to comply the order and file the requisites of summon for substituted defendants.

Fixing on 30-09-21... for addition/substitution and for filling requisites of summons.

Dictated


Sub Judge-II

16.9.21