

COURT OF CIVIL JUDGE (Senior Division)
Barsoi, Katihar
Title Suit No. 64/2022

Bibi Amna Khatoon.....Plaintiff.

Vrs.

Wakiluddin & Others.....Defendants.

Date of Order of Proceeding	Order with the Signature of the Court	Office action taken with date
08.08.2024	Attendance has been filed on behalf of the plaintiff & defendant through their Ld. Counsel. Case has been posted for order on petition dated 05.01.2023 filed on behalf of plaintiff U/O I Rule 10(2) of C.P.C to which rejoinder dated 26.04.2023 has been filed on behalf of defendants, after hearing the Ld. counsels of both sides. Perused the record. The case of the plaintiff in short is that the defendant No. 1 along with the Bibi Asiran Nishan and Lakho Khatoon have executed sale deed including the suit land in favour of defendant No. 4 Zainul Abedin during the pendency of the suit vide sale deed No. 20317 dated 28.10.2022. In such circumstances, it is necessary that vendor of sale deed namely Bibi Asiran Nishan and Lakho Khatoon be made defendant No. 5 and 6, defendant 3rd party. The case of the defendant in short is that the land conveyed through registered sale deed No. 20317 dated 28.10.2022 is quite different to the suit land both in area as well as in boundary and hence the suit land is not affected with the said alienation.	

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	In the light of above facts as stated by defendant that the sold land doesn't belong to suit land and purchaser of the said land is already defendant No. 4 and vendor of the said land is defendant No. 1 and the suit property would be governed by doctrine of Pendente Lite if the sold property is suit property, as such the petition of the plaintiff is dismissed. Put the record for further proceeding on 26.09.2024 Dictated Civil Judge (Sr. Div.)	