

**In the Court of Anurag, Civil Judge (Jr. Div.), Banmankhi,  
Purnea**

**Injunction Suit No. 01/2023**

**Domi Paswan & others ..... Plaintiffs**

**Versus**

**Surendra Prasad Yadav ..... Defendant**

**10.07.2025:-** Attendance has been filed on behalf of plaintiffs and defendant. Case called out. The Ld. Counsel for plaintiffs and defendant appeared before the court. Heard both the parties on the petition of plaintiff under order 10 rule 2 CPC dated 03.05.2024 praying for appointment of a pleader commissioner for the ends of Justice.

**ORDER**

The case record is put up for order. The petitioner (plaintiff) has stated that the plaintiffs has filed instant suit for declaration that plaintiffs have lawful possession over the suit land on the basis of Basgit Purcha issued by Circle Officer, Banmankhi and also rent receipt issue in his name till today. The petitioner has further stated that during the pendency of suit, the defendant sold the suit land to one Rekha Devi, D/o – Sikendra Paswan resident of village – Harbhanga, Ward No. 10, P.O. + P.S. - Sarsi, District – Purnea. The petitioner has further stated that on dated 25.02.2024 plaintiff getting knowledge that suit land sold by defendant and after plaintiffs get certified copy of sale deed on 5324 in the name of said Rekha Devi vide deed No. 5442/23, dated 01.08.2023. The petitioner has further stated that Rekha Devi (purchaser of the suit land) is forcefully trying to evict the petitioner from the suit land and by this illegal act of defendant and the purchaser Rekha Devi, it is necessary to make Rekha Devi a party in the suit as defendant. Therefore, the petitioner has prayed before this court to allow the said petition U/O 10, Rule – 2 of CPC in the interest of justice.

The defendant has been given several opportunities in this case to file rejoinder and finally on dated 10.06.2025, the defendant has been debarred from filing rejoinder and the matter was posted for hearing on petition dated 03.05.2024. Both the parties were heard on 24.06.2025. The Ld. Counsel for the defendant stated that the purchaser of the suit land namely Rekha Devi is not trying to forcefully evict the petitioner from the suit property and therefore it is not necessary to make Rekha Devi a party in the suit. Therefore, it has been prayed by the defendant that the petition of the plaintiff dated 3.05.2024 be dismissed in the interest of justice.

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Heard both the parties and perused the case record, it appears that the defendant namely Surendra Yadav has sold the suit property to Rekha Devi W/O Sikendra Paswan vide sale deed No. 5442 dated 11.10.2023. In the plaint the description of the suit land has been given as Mouza-Akhtiyarpur, Thana No. 102, Khata No. 182, Khesra No. 2376, Area 0.14 decimal. In the sale deed no. 5442 dated 11.10.2023 the description of the property has been mentioned as Mouza-Akhtiyarpur, Thana No. 102, Khata No. 182, Khesra No. 2376, Area 3 decimal 500 square kari and from this it is clear that the defendant has sold the land containing in the suit property to Rekha Devi. This case has been filed seeking relief of permanent injunction and for declaration the plaintiffs are in lawful possession of the suit land. The contention of the plaintiff that their rights in the instant suit is being directly affected by the purchaser of the suit land namely Rekha Devi as she is trying to forcefully evict the plaintiffs from the suit property is correct. Hence, the Court is of opinion that it is necessary to make Rekha Devi a party in the suit as a defendant because this is an injunction suit the rights of plaintiffs are directly being affected by the acts of Rekha Devi and hence Rekha Devi also becomes a necessary party in the suit in the interest of justice.

Plaintiff is directed to add Rekha Devi, ~~Do~~<sup>w/o</sup> - Sikendra Paswan resident of village - Harbhanga, Ward No. 10, P.O. + P.S. - Sarsi, District - Purnea as defendant name in plaint filed requisite for appearance of the same.

Put up on 30.07.25 for Appearance.

  
Civil Judge(Jr. Div.)  
Banmankhi(Purnea)

30.07.25 30/07/25  
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