



Presented on : 15-09-2022
Registered on : 15-09-2022
Plaintiff Petition dated 25-06-2024
No rejoinder filed by the defendant.

IN THE COURT OF
Senior Civil Judge VIII AT Aurangabad Bihar
Presided Over by SANDEEP KUMAR SINGH
Title Suit/284/2022
Fulmati Devi & Others Vs. Brij Mohan Chaudhary

Order I Rule 10

Date:- 06.06.2026

Case called out. Plaintiff is present with his hazari/paravi. Defendant no. 1 is also present with his hazari/paravi. Against defendant no. 2 to 5 the record is running as exparty.

Today the record is fixed for order on the plaintiff petition dated 25.06.2024 filed under Order I Rule 10 read with section 151 of C.P.C, whose copy has been served to the defendant no. 1 against which No rejoinder has been filed, despite various opportunities were given and as a matter of last chance was also given but the defendant has preferred not to file rejoinder and further orally submitted that he do not wish to file rejoinder.

Plaintiff in his petition dated 25.06.2024 submits that the he has filed the instant suit for declaration of title and interest over the suit land and to declare the sale deed dated 16.11.2000 and 12.05.2010 as void ab initio. The plaintiff further submits that the during the pendency of the suit defendant no. 3 has sold this suit land to Gulam Hussain, Meeraj Ahmad, Siraj Ahmad. Similarly, defendant no. 4 has also sold the part of the suit land to Devrani Devi. Further defendant no. 5 has also sold the suit land to Neelam Devi. Therefore, the plaintiff prays before this court to add the purchaser of defendant no. 3 to 5 as necessary party.

In contrary the defendant no.1 has objected and orally submitted that after filling of W.S, the plaintiff has filed this petition to fill the lacuna in his plaint. Hence, prays the plaintiff petition be rejected.

Heard both parties and perused the record. On perusal of the record it

transpires that the plaintiff has filed the instant suit for declaration of his title, interest over the suit land against defendant no. 1, 2, 3, 4, 5 and also prays to declare the sale deed dated 16.11.2000 and 12.05.2010 to be null and void. It is further observed from the record that the suit has been **admitted on 16.11.2022** and the transaction as alleged by the plaintiff is that the defendant no. 3 to 5 have sold the suit land during the pendency of the suit i.e. lis pendens transaction, which is contrary with the document filed by the plaintiff himself. As per the photocopy of deed details filed by plaintiff it transpired that the sale deed was executed by the defendant no. 3 in the year 2013, by the defendant no. 4 executed in the year 2010 and similarly, defendant no.5 executed the sale deed in the year 2010. Therefore, the entire transaction was done much prior to the filing of this suit by the plaintiff. Moreover, the plaintiff has not furnished any reason for not taking any step for adding the aforesaid parties at the time of the filing of the instant suit.

However, since the plaintiff has filed this suit to declare his title and to declare the to previous sale deed as null and void and the present transaction is connected with the suit land therefore, this court is of the view that all the purchaser from defendant no. 1 to 3 are necessary and proper parties to be impleaded in the suit. Although the transaction is not lis pendens but in their absence, the title of the suit land cannot be determined.

Hence, plaintiff petition dated 25.06.2024 is **hereby allowed with a cost of rupees 2000/- to be paid in the D.L.S.A, Victim Compensation Fund** and plaintiff is directed to take step to incorporate the defendant namely Gulam Hussain, Meeraj Ahmad, Siraj Ahmad, Devrani Devi and Neelam Devi in the cause title and appearance thereof.

List on 15.07.2026 for compliance.

(Sandeep Kumar Singh),
Civil Judge(Sr. Div.)-VIII,
Aurangabad, Bihar