

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 435 of 1991

Md. Latif & Ors.				Appellants
	<i>Versus</i>			
Md. Rahman & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants	: Mr. Rohit Ranjan Sinha, Advocate
For the Intervener	: Mr. A. Allam, Sr. Advocate
	: Ms. Asifa Sultana, Advocate
	: Ms. Sushmita Kumari, Advocate
	: Mr. Faisal Allam, Advocate
For the Respondents	: Mr. Niraj Kishore, Advocate
	: Ms. Shobha Rani, Advocate

Order No.25 Dated- 10.12.2024

I.A. No.1823 of 2023

Heard the parties.

Learned counsel for the appellants does not press this interlocutory application.

Accordingly, this interlocutory application is rejected as not pressed.

(Anil Kumar Choudhary, J.)

I.A. No.1686 of 2023

Learned senior counsel for the intervener submits that this interlocutory application has been filed with a prayer to implead the intervener as party-respondent of this second appeal. It is next submitted by the learned senior counsel for the intervener that the part of the suit land has been purchased by the intervener who is the legal heir of Jumrati Mian measuring an area of 4110 square feet out of the total area of the suit land of 21,350 square feet and the intervener will be affected by the ultimate outcome of this second appeal. It is then submitted by the learned senior counsel for the intervener that the intervener undertakes to abide by the ultimate judgment which will be

passed in the second appeal and also undertakes that she will not take any plea inconsistent with the plea of her vendors and their legal representatives who are parties to the suit.

The learned counsel for the appellants submits that the appellants have no objection to the prayer of the intervener being added as a party -respondent if she is ready and willing to abide by the ultimate judgment, which will be passed in this second appeal and also undertakes that she will not take any plea inconsistent with the plea of the defendants of the suit.

Considering the aforesaid facts, the prayer of the intervener to be impleaded as party-respondent is allowed.

The intervener be added as respondent no.2 of this second appeal with the condition that the judgment which will be passed in this second appeal shall be binding upon the respondent no.2 and the respondent no.2 cannot take any plea inconsistent with the plea of the defendants of Title Appeal No. 7 of 1984 of the court of Sub-Judge-I, Deoghar.

Registry is directed to incorporate the name, parentage and address of the said respondent nos. 2 in the cause title of the appeal memo with red ink.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 435 of 1991

Heard the parties.

Perusal of the record reveals that notice issued to the respondent no. 1 (e) and 1 (f) has not been validly served.

Issue fresh notice to the respondent no. 1 (e) and 1 (f).

The appellants are directed to file fresh requisites for service of notice on the respondent no. 1 (e) and 1 (f) in their present and correct address by registered post with A/D as well as under process of the court within three weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case, the requisites are filed, list this appeal after receipt of the service report of the notice issued to the respondent no. 1 (e) and 1 (f).

Unutilized copy of the appeal memo, if any, may be used by the appellants.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)