

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S. A. No. 39 of 2005

With

I.A. No. 8106 of 2022

Md. Fakruddin and Others	...	...	Appellants
Versus			
Md. Tahir Mian and Others	...	...	Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. K. K. Ambastha, Advocate

For the Respondents : Mr. Rajesh Kumar, Advocate

For the Resp.(Applicant): Mr. Anurag Kashyap, Advocate

: Mr. Pankaj Kumar, Advocate

21/06.08.2025

I.A. No. 8106 of 2022

1. This interlocutory application has been filed seeking addition of the applicants in this appeal. It has been submitted by the learned counsel for the applicants that the applicants are the subsequent purchaser and has purchased the property during the pendency of the Partition Suit No. 06 of 1981 in relation to half share of the property vide registered sale deed.

2. The learned counsel for the appellants has opposed the prayer and has submitted that the similar petition was dismissed by this Court vide order dated 06.12.2018 as nobody had turned up to press the petition. He has also referred to order dated 25.05.2004 passed by learned 1st Appellate Court wherein the similar petition was rejected by observing that the subsequent purchaser pendente lite are not necessary party in the appeal and they can derive their share as per the decision of the court for their vendor. Learned counsel for the appellants has submitted that the applicants have purchased the property during the pendency of the suit and their right, title, interest etc will be governed by principle of lis pendens.

3. He submits that the application of the applicants may not be entertained.

4. Learned counsel for the vendor is present, he submits that he shall contest the second appeal.

5. Considering the aforesaid submission and the fact that the petition seeking intervention was rejected by the learned 1st appellate court also and was also rejected by this Court earlier on 06.12.2018, this Court is not inclined to allow this intervention application seeking addition of party. Accordingly, this interlocutory petition is hereby dismissed.

6. Learned counsel for the appellants has submitted a copy of order dated 25.05.2004 passed by the learned 1st Appellate Court in Title Appeal No. 21 of 1995 which is kept in the case record.

7. Post this case on 16th September, 2025 under appropriate heading.

(Anubha Rawat Choudhary, J.)

Rakesh/-