

Appeal Dy. No. 51/2021

Date: 14.03.2023

Master Anurag Kumar and Ors. Vs. Canara Bank & Ors.

Present: Shri Ashok Pandey, counsel for the appellants,
Shri S. K. Srivastava, counsel for the respondent-Bank,
Shri M. K. Srivastava, counsel for the respondent no. 3-
Auction Purchaser,

Heard the learned counsel for the appellant on the I.A. No. 88/2023, which is impleadment application for impleading the Rani Kumari, W/o Rajesh Kumar, R/o Kanhaiya Nagar Khoja Imli, Phulwari Sharif, P.S. Phulwari Sharif, Patna, Kalindi Prabha, W/o Brij Kishore Narayan, R/o Bukaro, Jharkhand and Sunil Kumar, S/o Late Ishwar Chaudhary, R/o Amber Sherwana Bihar Sharif Nalanda as respondent nos. 7, 8 and 9 in the appeal. It is contended that during the pendency of the present appeal and inspite of order of this court dated 08.04.2021, by which the direction was issued to the parties not to create third party rights, the respondent no. 4 had sold the part of the plot no. 1380 through registered sale deed dated 25.05.2022, 04.06.2022 and 05.07.2022 to the aforesaid persons, therefore, it is necessary to implead the subsequent purchasers as party in the present appeal.

Learned counsel for the respondent-Bank has no objection to the impleadment application.

In view of the above, the application for impleadment is allowed. Let the necessary amendment be made in the array of party within a week. If such amendment is made, notices be issued to the newly added respondents through publication in the newspaper having wide circulation in the area. Affidavit of service along with proof of publication be filed by the next date.

Learned counsel for the respondent-Bank submits that the reply is ready and the same shall be filed within a week.

List this case on 26.05.2023 for service.

Justice R. D. Khare
Chairperson

Anupam