



2022:JHHC:41658

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C. M. P. No. 417 of 2022

Sona Kumar Singh @ Sonu Ram @ Sonu Kumar Singh Petitioner
Versus

1. Shanti Devi
2. Hari Mahto
3. Kedar Prasad Verma
4. Kanwa Devi
5. Fulwa Devi
6. Malo Devi
7. Geeta Devi
8. Sushila Devi
9. Saraswati Devi
10. Dhiraj Kumar Singh

... Opp. Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Shree Nivas Roy, Advocate
For the Opp. Parties :

Oral Order

04 / Dated : 13.12.2022

1. The instant civil misc. petition has been filed under Article 227 of the Constitution of India for quashing the order dated 29.03.2022 passed by the Civil Judge (Sr. Div.)-I, Giridih in Partition Suit No. 03 of 2016, whereby and whereunder, the petition filed under Order I Rule 10(2) read with Section 151 of C.P.C. has been rejected.

2. It is submitted by learned counsel for the petitioner that the petition for being impleaded in Partition Suit No. 03 of 2016 was filed since the petitioner had entered into an agreement of sale with Shanti Devi and her mother Sushila Devi and in pursuance of the said agreement, Rs.25,100/- had also been paid to the proposed transferor. Having an interest in the part of the joint family property, the petition has been filed for being impleaded.

Under an agreement of sale, title is not transferred to the proposed purchaser and, therefore, the petitioner cannot claim any interest in the joint family property.

I do not find any infirmity in the impugned order whereby the petition for being impleaded in the partition suit has been rejected.

Civil misc. petition is, accordingly, dismissed.

(Gautam Kumar Choudhary, J.)