

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.178 of 2014

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Murli Manohar Prasad Son Of Late Chandrika Prasad Resident Of Mohalla-
Balua Bazar, Police Station- Motihari, District- East Champaran

.... Petitioner/s

Versus

1. Sudhir Kumar Verma Son Of Ramanand Prasad
2. Pravir Kumar Verma Son Of Ramanand Prasad
Both are resident Of Mohalla Balua Bazar, Police Station- Motihari,
District- East Champaran
3. Gyanendra Prasad Verma Son Of Shri
4. Savitri Devi Daughter Of Shri Achutanand
5. Saroj Kumar Sinha Son Of Late Shri Sachchidanand
6. Kumari Sushma Verma Daughter Of Late Shri Sachchidanand
All residents Of Mohalla Balua Bazar, Post Office And Police Station-
Motihari, District- East Champaran
7. Smt. Usha Devi Daughter Of Shri Sachchidanand And Wife Of Shri
Ramakant Prasad Resident Of Village- Manikchak, Post Office And Police
Station Saidpur, District- Muzaffarpur, At Present Residing At 48, Lic
Colony, Chitragupta Nagar, Patna- 800016, Police Station, Town And
District- Patna
8. Smt. Renu Bala Daughter Of Late Sachchidanand And Wife Of
Rameshwar Nath @ Nandaji Resident Of Mohalla Near Bari Mathia, Arrah,
Post Office And Police Station- Arrah Town, District- Bhojpur
9. Smt. Shashi Bala Daughter Of Late Sachchidanand And Wife Of Ashok
Kumar Verma Resident Of Mohalla Salempur, Chhapra, Post Office And
Police Station- Chhapra, District- Saran
10. Ram Naresh Missir Son Of Sitaram Missir Resident Of Lachhamipur,
Police Station- Harsiddhi, District- East Champaran
11. Smt. Ram Dulari Devi Wife Of Kailash Sah Resident Of Village-
Katwa, Police Station- Harsiddhi, District- East Champaran
12. Basistha Narain Son Of Ramautar Prasad Resident Of Village- Katwa,
Police Station- Harsiddhi, District- East Champaran
13. Shanti Devi Wife Of Late Bindbasini Prasad
14. Brij Kishore Prasad Son Of Late Bindbasini Prasad
15. Ram Naresh Prasad Son Of Late Bindbasini Prasad
16. Nawal Kishore Prasad Son Of Late Bindbasini Prasad
17. Hari Naresh Prasad Son Of Late Bindbasini Prasad
All residents Of Village- Katwa, Police Station And Post Office
Paharpur, District- East Champaran
18. Kitab Mian Son Of Late Didar Ali Mian
19. Sitar Mian Son Of Late Didar Ali Mian
20. Hisab Mian Son Of Late Didar Ali Main
All residents Of Village- Katwa, Police Station And Post Office Paharpur,
District- East Champaran
21. Ganga Sagar Prasad Son Of Ramautar Prasad Resident Of Village
Katwa, Police Station Harsidhi, District- East Champaran
22. Mukesh Kumar Son Of Late Kailash Rai
23. Reena Devi Wife Of Mukesh Kumar
Both residents Of Raghunathpur, P.O.- Motihari, P.S.- Turkaulia, District-

East Champaran

24. Smt. Gauri Verma Wife Of Murli Manohar Prasad, And Daughter Of Ramanand Prasad Resident Of Mohalla- Balua Bazar, Police Station- Motihari, District- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 04-12-2015

Heard Mrs.Anju Kumar @ Anju Narain, learned counsel for the petitioner.

This application under Article 227 of the Constitution of India is directed against the order dated 17.09.2013 passed by Sub-Judge-III, Motihari, in Partition Suit No. 331 of 1972 whereby the intervention application filed by respondent nos. 22 and 23 in the Suit has been allowed. It may be mentioned here that the petitioner is also a defendant in the Suit who is added on his intervention application on the ground that the petitioner has purchased part of the property from respondent no.3 herein. The respondent nos. 22 and 23 herein also filed an application for being added as party on the ground that they have purchased portion of the property from respondent no.5.

By the impugned order the court below found that since they were purchasers, therefore, the application was allowed.

Admittedly, the petitioner is not the plaintiff and he is a purchaser of part of the property. The intervener respondent nos. 22 and 23 are also defendants, after the impugned order, who are also purchasers.

Now, therefore, issue is between the intervener- petitioner – defendant and the intervener respondent nos. 22 and 23

defendants, who are also purchasers.

It is settled principle of law that expression – “ all the questions involved in the suit” used in Order 1 Rule 10(2) CPC it is abundantly clear that the legislature clearly meant that only the controversies raised as between the parties to the litigation must be gone into, that is to say, controversies with regard to the right which is set up and the relief claimed on one side and denied on the other and not the controversies which may arise between the plaintiffs or the defendants inter se”.

As stated above, in the present case, the dispute which is being raised is between the intervener inter se or defendant inter se. However, defendant nos. 22 and 23 herein are also purchasers. The court below has rightly passed the impugned order.

In exercise of supervising jurisdiction, under Article 227 of the Constitution of India, I am not inclined to interfere with the impugned order. Therefore, the writ application is dismissed.

(Mungeshwar Sahoo, J)

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