

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.61 of 2015

In
Civil Writ Jurisdiction Case No. 2416 of 2014

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Amar Kumar

.... Petitioner/s

Versus

Smt. Bhawna Bhardwaj & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-04-2015 Heard learned counsel Mr. Radha Mohan Pandey
appearing on behalf of the petitioner.

This application has been filed by the petitioner for review of the order dated 11.03.2014 passed by this Court in C.W.J.C. No.2416 of 2014.

It appears that the suit for specific performance of contract was filed by opposite party no.1 against the other opposite parties. The opposite party no.4 filed written statement alleging that this present petitioner has also got share in the property. In view of the said statements, the plaintiff-opposite party no.1 filed an application for adding the present petitioner as party in the suit for specific performance of contract and the said application was allowed. Thereafter the present petitioner was examined as D.W.4 in the suit. In the evidence, this D.W.4 never claimed any interest

in the suit property. Therefore, again an application was filed for deleting the name of this present petitioner from the array of defendants. The court below rejected the said application. The plaintiff challenged the said order before this Court by filing C.W.J.C. No.2416 of 2014. This court considering the decision of the Supreme Court allowed the application and the order of the court below was set aside and the name of the petitioner was deleted from the array of defendants.

The learned counsel Mr. Pandey appearing on behalf of the petitioner submitted that in fact a part of the suit property has been bequeathed by execution of Will by original defendant no.1 Kusum Kumari and, therefore, now the present petitioner is in possession of the property as owner thereof and not a tenant therein and, therefore, he is a necessary party in the suit for specific performance of contract.

The learned counsel placed the evidence of this D.W.4 *in extenso* before this Court. In his evidence nowhere the petitioner has claimed any interest or title in the suit property. He has given the evidence in support of the defence case only.

In view of the above, I do not find any reason to review the order passed by this Court in the writ application because of the fact that a person, who has got no interest in the suit

property cannot be added as party in a suit for specific performance of contract.

Accordingly, this review application is dismissed.

(Mungeshwar Sahoo, J)

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