

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1264 of 2016**

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Md. Noorul Hasan & Anr

.... Appellant/s

Versus

Deo Nandan Pd. Mahto & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 06-12-2016 Heard the learned counsel, Mr. Arbind Kumar Singh for
the petitioners.

Perused the impugned order dated 23.07.2016 passed by
Sub Judge II, Purnia in Title Suit No.372 of 2011/C/3-2443 of
2013 whereby the learned Court below has allowed the
intervention application filed by the interveners-respondent Nos.2
to 6.

It appears that plaintiff-respondent No.1 filed title suit for
declaration of title and confirmation of possession. The interveners
filed application for being added as party on the ground that the
interveners have purchased the suit property from the father of the
plaintiff in the year 1966 but the plaintiff has not made them
party-defendant. The defendant-petitioner's case is that they have
purchased the property from the khatiyani raiyat in the year 2011.
The court below held that since the interveners are claiming right



and possession over the property on the basis of sale of the year 1966, they are necessary party in the suit.

It may be mentioned here that the defendants are disputing the title of the interveners who have been subsequently added as party by the impugned order. This dispute which is being raised by the defendant is against the intervener-defendant which cannot be decided in the present suit. However, since the Court below has recorded finding that the interveners are the purchasers of the year 1966 as such are necessary party, no case for interference in exercise of supervisory jurisdiction is made out.

Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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