

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1146 of 2016**

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Rinku Devi

.... Appellant/s

Versus

Shiv Sharan Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar

For the Respondent/s : Mr. Subhash Chandra Yadav-Gp15

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

3 23-11-2016 Heard learned counsel, Mr. Bhupendra Narayan Singh,
appearing for the petitioner.

2. Perused the impugned order dated 29.07.2016 passed by
the Sub-Judge-III, Jehanabad in T.S. No. 214 of 2015, whereby the
learned court below rejected the application filed by the present
petitioner under Order 1 Rule 10 Sub-Rule 2 C.P.C. for being added as
party in the suit.

3. It appears that Title Suit No. 214 of 2015 was filed by the
plaintiffs-respondents for declaration of title. The petitioner filed
application for being added as party on the ground that he is using the
land in suit as Rasta and public at large also use the land as Rasta and
prior to purchase made by the petitioner, the vendor of the petitioner
was using the land as Rasta. The court below by the impugned order
has rejected the application filed by the petitioner on the ground that he
is not the necessary party.

4. Admittedly, the petitioner is not claiming any title and
interest over the suit property. The plaintiff has prayed for declaration



of title and non title of the defendant and for injunction restraining the defendants from demolishing the structure over the suit land.

5. In view of the relief claimed by the plaintiff, which is against the defendant, the question that will be decided in the suit is whether the plaintiff has got any title over the suit property and whether the plaintiff is entitle to the relief for grant of injunction against the defendants. So far the present petitioner is concerned, admitted fact is that he is purchaser of a piece of land, which is by the side of the suit property. Therefore, for deciding the question between he plaintiff and the original defendants, his presence is not at all necessary. Further plaintiff is not claiming any relief against the present intervener. If he has got any right or interest, which he is not claiming herein, he may initiate proceeding. But in the present case, his presence is not at all necessary. In other words, he is not a necessary party. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

Brajesh/-

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(Mungeshwar Sahoo, J)

