

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.982 of 2016**

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1. Sanjay Kumar S/o Sri Yogendra Ojha resident of Village-Khabra, P.O.-
Khabra, P.S.-Sadar, District-Muzaffarpur

.... Petitioner/Intervener as a defendant
Versus

1. Dharmendra Pahuja S/o late Dayal Chand Pahuja
2. Most Jaya Pahuja W/o late Pradeep Pahuja Both resident of Mohalla-
Purani Bazar, Brahman Toli, P.S.-Town, District-Muzaffarpur

..... Respondent 1st party/plaintiffs

3. Kumar Mukesh S/o Nand Kishore Ojha resident of Village-Khabra, P.O.-
Khabra, P.S.-Sadar, District-Muzaffarpur

4. Ajeet Kumar Verma S/o late Brij Bihari Prasad Verma Resident of
Village-Sondho, P.S.-Goraul, District-Vaishali At Present resident of
Mohalla-Motijheel, P.S.Town, District-Muzaffarpur

.... Respondent 2nd party/defendants

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Respondent/s : Mr.

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

ORAL ORDER

3 23-11-2016 Learned counsel for the petitioner submitted
that by the impugned order dated 18.05.2016, the learned Sub-
Judge-VII, Muzaffarpur in Title Suit No. 61 of 2012 has rejected
the Intervention Application of the petitioner on the ground
that documents were not filed by the petitioner.

According to learned counsel, no sufficient
opportunity was granted to the petitioner for filing the

necessary documents to show that he is also a tenant and is in possession of the shop premises. However, prior to filing of the documents, the court below has rejected the application only on technical ground that documents have not been filed.

From perusal of the impugned order, it appears that the court below has rejected the application only on the ground that except the statement made by the petitioner, no documents have been produced. Admittedly, the petitioner subsequently has filed the documents in the court below on 15.06.2016.

Since, the impugned order has been passed on technical ground alone, the petitioner is permitted to file a fresh application and pray for consideration of the documents.

Accordingly, this Civil Miscellaneous application is disposed of with liberty to the petitioner to file a fresh application before the court below under Order 1 Rule 10 Sub Rule-2 C.P.C. for being added as party and if such application is filed, the court below shall decide the same on merit after considering the documents which have been filed or which may be filed by the petitioner.

It is made clear that the order of the court below, which is impugned in this Civil Miscellaneous application, shall not prejudice either of the parties nor this order whereby the order of the trial court is not interfered with.

Thus, this Civil Miscellaneous application is

disposed of with the aforesaid liberty.

(Mungeshwar Sahoo, J)

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