

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6850 of 2014

=====

Gajendra Pratap Singh

.... Petitioner/s

Versus

Rajendra Pratap Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Prakash

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 16-02-2016

Heard the learned senior counsel, Mr. Surendra Kumar Singh for the petitioner.

By the impugned order dated 29.01.2014, the learned Sub Judge IV, Gaya added the respondent No.8 as defendant in the suit on his application under Order I Rule 10 C.P.C. in Title Suit No.10 of 2012/27 of 2012.

The learned senior counsel relying on the decision of the Patna High Court in AIR 1977 Patna 243 submitted that the condition precedent for passing an order under Order I Rule 10 C.P.C. is that the Court must come to the conclusion that the petitioner's presence in the suit is necessary and is necessary party.

It appears that the facts of the case relied upon by the learned senior counsel is entirely different from the present case.

It appears that the aforesaid title suit was filed by the

plaintiff-petitioner for partition of the suit property. The respondent No.8 filed application under Order I Rule 10 C.P.C. for being added as party on the ground that he has purchased a portion of the suit property from defendant No.5 by registered sale deed dated 25.07.2011 i.e. prior to filing of the present title suit. It is not denied that the property purchased by the intervener is also the subject matter of the partition suit. Therefore, the intervener is directly interested with the property in suit on the basis of the title acquired by him through the registered sale deed.

The Court below has therefore, rightly added the intervener as defendant in the present suit as he has got direct interest in the suit. Therefore, there is no question of interference in supervisory jurisdiction arises.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--