

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9587 of 2015

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Smt. Savitri Devi & Anr

.... Petitioner/s

Versus

Dhaneshwari Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-04-2016

Heard the learned counsel, Mr. Naresh Chandra Verma
for the petitioners.

It appears that suit for specific performance was filed by
the plaintiffs-petitioners against the defendants. In the said suit,
the interveners-respondents filed application for being added as
party. The Court below by the impugned order found that the
interveners have got interest in the subject matter of the suit and,
therefore, allowed the intervention application.

The Hon'ble Supreme Court in the case of **Mumbai
International Airport Private Limited v. Regency Convention
Centre and Hotels Private Limited and Others, (2010) 7
Supreme Court Cases 417** considering the decision of the
Supreme Court **(2005) 6 Supreme Court Cases 733** has held that
“in our opinion, the aforesaid decision can only be understood to
mean that a third party cannot be impleaded in a suit for specific



performance if he has no semblance of title in the property in dispute. Obviously, a busybody or interpoler with no semblance of title cannot be impleaded in such a suit. That would unnecessarily protract or obstruct the proceedings in the suit. However, the aforesaid decision will have no application where a third party shows some semblance of title or interest in the property in dispute. It cannot be laid down as an absolute proposition that whenever a suit for specific performance is filed by 'A' against 'B', a third party 'C' can never be impleaded in that suit, if 'C' can show a fair semblance of title or interest he can certainly file an application for impleadment."

Therefore, when the Court below found that prima facie, the interveners have got interest in the subject matter of the suit, there is no question of any interference in exercise of supervisory jurisdiction arises.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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