

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12304 of 2014

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1. Ram Gulam Choudhary Son of Late Jai Karan Choudhary @ Wakil Choudhary
2. Smt. Sunaina Devi wife of Ram Gulam choudhary both resident of Village-
Kanhaiya Chak Govindpur, P.S. Parbatta, District- Khagaria.. Petitioner/s

Versus

1. Rajendra Choudhary
2. Jai Jai Ram Choudhary
3. Naveen Chand Choudhary All (1-3) sons of Late Kamleshwari Prasad
Choudhary Both resident of Village- Kanhaiya Chak Govindpur, P.S. Parbatta,
District- Khagaria.
4. Surendra Choudhary
5. Chandramani Choudhary
6. Mahendra Choudhary
7. Sahja Nand Choudhary
8. Ram Bahadur Choudhary
9. Ram Bilash Choudhary All (4 to 9) are sons of Late Krishnadeo Choudhary
Both resident of Village- Kanhaiya Chak Govindpur, P.S. Parbatta, District-
Khagaria.
10. Ram Vinay Choudhary
11. Nunu Rai Devi Both sons AND daughter of Late Janardan Choudhary Resident
of Village- Mahsauni, P.S- Muffasil (Khagaria), District- Khagaria.
12. Rup Kala Devi wife of Sri Anandi Choudhary Resident of Village- Rahimpur (Choudhary Tola), P.S- Khagaria (MU) District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 23-08-2016

Heard Mr. Dronacharya, learned counsel for the
petitioners.

The petitioners are aggrieved by the impugned order

whereby the learned court below has turned down the prayer of the petitioners for being impleaded as party in the suit.

After considering the submissions and the averments made in the application, it is evident that the petitioners are not at all related with the plaintiff or the defendant in the suit and he has also no claim over the suit property. The ground on which the petitioners have claimed to be impleaded as party is that the Pleader Commissioner while making local inspection of the suit land has included the part of their land which is land adjacent and has shown it to be the part of the suit land. During the course of submission also, the learned counsel for the petitioners has accepted that except the said ground, no other ground has been raised by the petitioners for his impleadment in the suit as party.

This Court finds that the basis of the claim of the petitioners is thoroughly misconceived and does not come within the purview of Order 1 Rule 10 (2) C.P.C. which requires the addition of only such person as party in the suit whose presence in the court is necessary for determination of the issues arising in the suit between the parties.

The application is, therefore, dismissed as no merit.

Devendra/-

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(V. Nath, J)