

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.216 of 2016

=====

Ramchandra Sah

.... Appellant/s

Versus

Baiju Sah & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 11-08-2016 Heard the learned counsel, Mr. Alok Kumar Jha, for the petitioner.

Perused the impugned order dated 12.02.2016 passed by the learned Sub Judge-V, Sitamarhi in Title Suit No.247 of 2011 whereby the Court below allowed the intervention application under Order 1 Rule 10 CPC filed by the interveners respondents.

It appears that the present suit has been filed by the plaintiff petitioner for declaration of title and genealogical table has been given in the plaint which is annexed with this Civil Misc. application. From perusal of this genealogy, the plaintiff specifically pleaded that Ram Swaroop Sah died issueless. The interveners filed application for being added as party on the ground that Ram Swaroop died leaving behind his daughter Phuljharia Devi and the interveners are sons and daughters of Phuljharia Devi. Now, therefore, the dispute is whether Ram

Swaroop died issueless or he died leaving behind Phuljharia Devi and for deciding this dispute the presence of the intervener is necessary.

Therefore, the learned Court below has rightly held that they are necessary party in the present suit. As such I find no reason to interfere with the impugned order.

Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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