

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9833 of 2015

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Birendra Tiwary & Ors

.... Petitioner/s

Versus

Vindhyawasini Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Suhawan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-03-2016

Heard the learned counsel, Mr. Ram Suhawan Singh for
the petitioners.

By the order dated 23.04.2015, the learned Sub Judge I,
Danapur, Patna in Title Suit No.208 of 2005 rejected the
intervention application of the petitioners.

The petitioners filed application for being added as
party on the ground that they have purchased the property from
defendant No.1.

The Court below in the impugned order found that the
petitioners have purchased the property from mother-in-law-
defendant No.1 and the wives of these petitioners are other
defendants who are contesting the suit and further held that if any
property is allotted in the share of mother-in-law of these
petitioners, they will get share and if they are not added as party
they will not be prejudiced.



Admittedly, the petitioners have no share in the property and whatever share will be allotted to the mother-in-law that will go to the purchasers. It is not the case of the petitioners that the defendants are not taking any interest. Therefore, for deciding the question as to whether the mother-in-law of these petitioners has got any share in the suit property, the presence of the purchasers is not at all necessary. Further, if they are added as party, naturally it will delay the matter and there will be de novo trial as the argument of the case is going on.

In view of the above facts and circumstances of the case, I do not find any jurisdictional error in the impugned order. Therefore, no case for interference in supervisory jurisdiction is made out.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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