

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14045 of 2015

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Manager Tiwary & Ors

.... Petitioner/s

Versus

Prem Shankar Pandey & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-05-2016 Heard the learned counsel for the petitioner.

By the order dated 30.06.2015, the learned Munsif IIIrd Ara in Title Suit No.81 of 2011 allowed the intervention application filed by the interveners respondents on the ground that they are the daughters of Shyam Sundari Kuer who executed gift deed in favour of contesting defendants.

Perused the order passed by the Court below. It appears that the plaint has been annexed as Annexure '1' to this writ application. The relief claimed by the petitioner is that the title with respect to the Schedule 'I' be declared and the gift deed said to have been executed by Shyam Sundari Kuer in favour of Lalmuni Devi is without consideration and without taking permission of consolidation authority as such is a void document. The plaintiff also prayed for declaration of title and possession over Schedule 'II' properties and in that alternative, prayed for

recovery of possession.

The interveners filed application claiming title on the suit property on the ground that they are the daughters of Shyam Sundari Kuer as such they have also got interest in the suit property. According to the plaintiff, the interveners are not the daughter of Shyam Sundari Kuer.

In view of the above factual position, now it becomes clear that the plaintiff is claiming for declaration of his absolute title of his property whereas according to the interveners, they have also got interest in the property being the daughters of Shyam Sundari Kuer.

In such view of the matter, the question to be decided is whether the interveners are daughter of Shyam Sundari Kuer or not and for deciding this question, the presences of the interveners are necessary. The Court below also recorded finding that the interveners are necessary party.

It is well settled of law that Order 1 Rule 10 speaks about the jurisdiction of the Court. Once it is recorded by the Court that the interveners are necessary or proper party, the Court gets jurisdiction to add them as party defendant in the suit. In the present case, since the Court below has exercised the jurisdiction after recording the same, this Court cannot interfere with the order

as it does not touch jurisdiction of the Court nor it occasioned failure of justice.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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