

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13880 of 2014

Indrasan Ram Son of Late Saral Ram, Resident of village- Diwan Parsa, P.O.-
Bhagwat Parsa, P.S.- Phulwariya, District- Gopalganj

.... Petitioner

Versus

1. Phulena Ram
2. Kanhaiya Ram Both of the above are sons of Late Mohan Chamar
3. Paras Ram, Son of Ramashish Ram
4. Singhasan Ram, Son of Late Saral Ram,
5. Gulzar Ram
6. Mahajan Ram Respondent No. 5 & 6 are Sons of Late Bijli Ram null
7. Rudal Ram, Son of Late Manzaar Ram,
8. Sushila Devi, Wife of Kanhaiya Ram, Daughter of Sitaram Ram
9. Most. Phulariya Devi, Wife of Late Manzaar Ram
10. Rumali Devi
11. Ugmi Devi, Respondent No. 10 & 11 are daughter of Bideshi Ram
12. Most. Lakhpatiya, Wife of Late Bideshi Ram
13. Bikhi Ram
14. Lallan Ram
15. Bachcha Ram Respondent no. 13, 14 and 15 are Sons of Late Birchhan Ram
16. Mithlesh Ram, Son of Sudarshan Ram, All the above are resident of village-
Diwan Parsa, P.O.- Bhagwat Parsa, P.S.- Phulwariya, District- Gopalganj

.... Respondents

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 29-09-2016

Heard the learned counsel for the petitioner and the
learned counsel appearing for some of the respondents.

By the impugned order, the learned court below
has turned down the prayer of the defendant in T.S.No.10/2013
praying for analogous hearing of the said suit with T.S.No.52/2012.
The learned court below has recorded the finding that the parties in

both the suits are different as well as the genealogy set up in the two suits are also different. It has been further also recorded that the cause of action in both the suits are also different. From the plaint of both the suits, annexed with the present writ application, it is also manifest that the plaintiffs of T.S.No.10/2013 are not parties in T.S.No.52/2012. It has also been noticed by the learned court below and also submitted by the learned counsel for the petitioner at present, that the plaintiffs of T.S.No.10/2013 had prayed for their impleadment as party in the T.S.No. 52/2012 but their prayer has been twice rejected. The present petition has been filed by the defendant and it is, therefore, obvious that the plaintiffs of T.S.No.10/2013 are not interested in getting their suit heard analogously with the earlier T.S.No.52/2012. This Court, in this backdrop, has not been persuaded to find any illegality in the impugned order justifying its interdiction in jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2016
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