

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15347 of 2015

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Santosh Kumar Jaiswal @ Santosh Chaudhari

.... Petitioner/s

Versus

Dinesh Prasad Choudhary & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-05-2016 Heard learned counsel Mr. Saket Tiwary for the

petitioner treating this writ application as an application under

Article 227 of the Constitution of India.

This application has been filed for setting aside the
order dated 11.08.2015 passed by Subordinate Judge, Birpur in
Title Suit No.36 of 1995 whereby the court below recalled the
earlier order rejecting the application for addition of party and
then allowed the application filed by the plaintiff for adding the
party.

Perused the order dated 11.08.2015. It appears that the
court below recorded a finding that the persons sought to be added
as party are the purchasers of the property and they produced the
registered sale deeds, therefore, the application was allowed. It
further appears that the plaintiff had filed the application under
Order 1 Rule 10(2) of the Code of Civil Procedure, which has

been annexed as Annexure-3 to this writ application, alleging that the defendant nos.2 and 3 have sold the property. The defendant no.2 is the petitioner. There is no statement in the writ application that in fact he has not sold the property. Therefore, he has sold the property and when the court below has allowed the application for adding the purchaser as party, he is objecting it. Since the court below has found that the purchaser is necessary party, the order passed by the court below needs no interference in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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