

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3873 of 2016

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Nasruddin Ahmad @ Nasiruddin Ahmad

.... Petitioner/s

Versus

Abdul Salam & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-07-2016

Heard learned counsel, Md. Anis Akhtar, appearing
for the petitioner.

2. Perused the order passed by the learned Sub Judge, VI, Gopalganj in T.S. No. 125 of 2002, whereby the court below has allowed the intervention application filed by respondent Nos. 41 and 42. It appears that respondent Nos. 41 and 42 claiming to be the daughters of Md. Hafiz filed application for being added as party. The petitioner, who is also defendant in the suit filed rejoinder to the said application alleging that, in fact, she is daughter of Md. Mahboob, who is defendant No. 10 and not the daughter of Md. Hafiz, who had already died. The learned court below by the impugned order allowed the intervention application.

3. In view of the controversies between the parties that whether the respondent Nos. 41 and 42 are the daughters of defendant No. 10 as claimed by the petitioner or are the daughter

of Md. Hafiz as claimed by the respondent Nos. 41 and 42 is to be decided and for deciding this issue, the presence of respondent Nos. 41 and 42 are required, as such, they are necessary party in the suit. Therefore, the court below has rightly allowed the application. I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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