

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17551 of 2015

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Ajajul Ansari

.... Petitioner/s

Versus

Haqueeque Ansari & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

8 24-11-2016 Heard the learned senior counsel, Mr. Bakshi S.R.P.Sinha for the petitioner and the learned senior counsel, Mr. K.N.Choubey for the respondent Nos.21 to 24. Earlier notices were issued in admission matter to these respondents only by terms of order dated 04.02.2016.

From perusal of the order dated 04.02.2016, it appears that a case was made out to the effect that the suit has been filed under Section 6 of the Specific Relief Act for recovery of possession within six months from dispossession. Notices were issued on the basis of the submission. However, from perusal of the plaint, it appears that it is specifically pleaded in the plaint that the plaintiff was dispossessed on 30.03.1997 whereas the suit has been filed on 22.12.1997, therefore, in fact, the suit is not under Section 6 of the Specific relief Act.

From perusal of paragraph 13 of the plaint, it appears

that the plaintiff clearly mentioned that he is praying for recovery of possession on the basis of the title. Therefore, the plaintiff although not prayed for the declaration of his title but then his claim for recovery of possession is based on his title. The intervener-respondent filed application under Order I Rule 10 C.P.C. for being added as party on the ground that they are the real owner of the suit property and are in possession of the same. The Court below considering the documents produced by both the parties prima facie, recorded a clear finding that the interveners appear to be directly interested to the suit property.

In view of the above clear finding of the lower court, which is based on the documentary evidences, which are also annexed with the counter-affidavit filed by the interveners, in my opinion, no case for interference in exercise of supervisory jurisdiction is made out and thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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