

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3089 of 2015

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1. Bachaspati Mishra. S/o Late Sri Ram Chandra Prasad. Resident of village - Tarchha, P.O. & P.S.- Sheikhpura, District - Sheikhpura.

.... Petitioner/s

Versus

1. Mahendra Ram.

2. Biru Ram.

3. Subodh Ram.

4. Ravindra Ram.

5. Upendra Ram.

6. Jitendra Ram. All sons of Late Ram Chandra Ram. Resident of village - Katra Chauk, P.O. & P.S.- Sheikhpura, District - Sheikhpura.

7. Raja Ram. S/o Late Manik Chand @ Mani Ram.

8. Narendra Kumar Ram @ Munna Ram. S/o Late Manik Chand @ Mani Ram. Both resident of Katra Chauk, P.O. & P.S.- Sheikhpura, District - Sheikhpura.

9. Om Prakash. S/o Late Yamuna Prasad. Resident of Tarchha, P.O. & P.S.- Sheikhpura, District - Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fazal Rahman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 05-02-2016

Heard learned counsel for the petitioner.

The plaintiff-petitioner has filed this application under Article 227 of the Constitution of India against the order dated 04.12.2014 passed by the Sub-Judge-II, Sheikhpura in T.S. No. 40 of 2002, whereby the intervention application filed by the respondent Nos. 7 to 9 has been allowed.

The learned counsel for the petitioner submitted that the intervener claimed title in the suit property on the basis of sale

deed dated 01.10.1985 but he did not produce the sale deed. According to learned counsel, the learned court below wrongly held that this fact alleged by the interveners has not been denied by the plaintiff-petitioner. In fact, in the reply of intervention application, the plaintiff-petitioner has specifically denied the fact alleged by the interveners.

Perused the order passed by the court below. The intervention application has been annexed as Annexure-2 and the reply has been annexed as Annexure-3. In the intervention application, at paragraph No.6, the interveners specifically pleaded that the suit property was purchased by the registered sale deed dated 01.10.1985 by Ram Chandra Prasad and Yamuna Prasad, the sons of Shyam Sundar Narayan. It is admitted by the petitioner that the petitioner is the son of Ram Chander Prasad whereas the interveners are the descendants of Yamuna Prasad. In reply to this, the plaintiff at paragraph No. 7 of annexure-3 gave an evasive denial. There is no specific denial that by registered sale deed dated 01.10.1985, the property was not purchased in the name of Ram Chandra Prasad and Yamuna Prasad. The court below has taken note of this fact and then recorded finding that since the suit is for declaration of title and the interveners are claiming on the basis of registered sale deed, they are the necessary party in the

suit.

In such view of the matter and the finding of the court below, the impugned order cannot be interfered with in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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