

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.442 of 2016**

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Sunil Kumar Lahiri & Anr

.... Appellant/s

Versus

Deepali Lahiri & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Nandan

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 05-09-2016

Heard the learned counsel for the petitioners.

Perused the impugned order dated 04.03.2016 passed by Sub Judge I, Madhepura in Title Suit No.267 of 2009 whereby the learned Court below has allowed the intervention application filed by the respondent No.13.

From perusal of the impugned order, it appears that the intervener filed the application for being added as party in the partition suit on the ground that she being the daughter of Sushil Kumar Lahiri is entitled to inherit the property of her father. The Court below found that it appears that prima facie, she has got interest in the property.

In view of the above finding of the Court below, it appears that the plaintiffs-petitioners filed the partition suit alleging that Sushil Kumar Lahiri died issueless whereas the intervener is claiming to be the daughter of Sushil Kumar Lahiri.

In such circumstances, this question is to be decided in this present suit itself and for deciding this issue, her presence is necessary.

I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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