

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1008 of 2016

=====

Mahendra Rai & Anr

.... Appellant/s

Versus

Satish Sharma & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ram Janam Maharaj

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-11-2016 Heard learned counsel for the petitioner.

Perused the impugned order dated 4.2.2016 passed by Addl. District Judge, VIII, Vaishali at Hajipur in Misc. Appeal No.7 of 2015 whereby the learned Court below rejected the application filed by the petitioner under Order 1 Rule 10 (2) CPC for being added as party in Misc. Appeal.

From perusal of the impugned order, it appears that the Misc. appeal arises out of injunction matter and the prayer for injunction made by the plaintiff for restraining the defendant No.16 from transferring the property has been rejected against which the Misc. Appeal has been filed.

At the time of hearing of this application, the learned counsel for the petitioner admitted the fact that he has already filed application for being added as party in the suit itself. Therefore, the matter will be considered by the Court below in the suit itself.

So far Misc. appeal is concerned, since the plaintiff appellant has not prayed any relief of injunction against the petitioner, he is not at all a necessary party in the Miscellaneous Appeal. Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

U		T	
---	--	---	--