

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13589 of 2013

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1. Mantia Devi W/O Shambhu Chaurasiya Presently Residing At Village -
Hasanpur, P.O. + P.S. Nayagaon, District - Saran (Chapra)

2. Devpatia Devi W/O Shankar Chaurasiya Presently Residing At Village -
Vijhraul, P.O. Jandaha, P.S. Tisiauta, District - Vaishali

.... Petitioner/s

Versus

1. Ratia @ Phulmatia Devi W/O Late Laxmi Chaudhary Resident Of Village -
Jethui, P.O. Hajipur, P.S. Industrial Area Hajipur, District - Vaishali

2. Raj Kishore Chaudhary S/O Late Laxmi Chaudhary Resident Of Village -
Jethui, P.O. Hajipur, P.S. Industrial Area Hajipur, District - Vaishali

3. Jainul Mian Son Of Late Md. Hafij Mian Resident Of Village - Jadhua Bag
Tola, P.O. Jadhua, P.S. Hajipur (Town), District - Vaishali

4. Senul Mian Son Of Late Md. Hafij Mian Resident Of Village - Jadhua Bag Tola,
P.O. Jadhua, P.S. Hajipur (Town), District - Vaishali

5. Juved Mian Son Of Late Md. Hafij Mian Resident Of Village - Jadhua Bag Tola,
P.O. Jadhua, P.S. Hajipur (Town), District - Vaishali

6. Lalbabu Mian Son Of Late Md. Hafij Mian Resident Of Village - Jadhua Bag
Tola, P.O. Jadhua, P.S. Hajipur (Town), District - Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv and Mr. Prashant
Kumar, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT



Date: 22-11-2016

Heard learned counsel for the petitioners.

The legal sustainability of the impugned order by which the learned court below has turned down the prayer of the petitioners for impleading them as party defendant in the suit has been questioned in the application filed under Article 227 of the Constitution of India.

During the course of submission, it has been accepted on behalf of the petitioner that the suit has been filed by the plaintiff-respondent against some persons who are stranger to the family with a prayer for declaration of title. The petitioners do not dispute the title of the plaintiff over the suit land to which the petitioners also claim themselves to be the co-sharers. Learned counsel for the petitioners has submitted that the plaintiff-respondents in the plaint have made averments which may be prejudicial to the right, title and interest of the petitioners in the suit property. It is however evident that the ultimate relief which has been prayed in the suit is not against the petitioners. The learned court below has rightly observed in the impugned order that the petitioners would be always at liberty to file a suit for partition or take appropriate steps for protection of their right, title and interest in the suit property in question. As such, this Court does not



find that the court below has committed error or material irregularity
in passing the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

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