

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2815 of 2015

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Prakash Ranjan

.... Petitioner/s

Versus

Sheela Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 04-03-2016 1. Heard the learned counsel, Mr. Sunil Kumar Singh, for
the petitioner.

2. The learned Court below rejected the intervention
application filed by the petitioner in Title Suit No.508 of 2013 by
terms of order dated 28.01.2015.

3. It appears that the plaintiff respondent filed aforesaid
title suit for declaration of title and for removal of encroachment
made by the defendants in the suit. The plaintiff claimed title on
the basis of the sale deed. The interveners filed application for
being added as party on the ground that in fact the plaintiff has
encroached the interveners land measuring 10 dhur and, therefore,
their presence is necessary. The Court below rejected the
application finding that the petitioners are not necessary party.

4. It may be mentioned here that the plaintiff's suit is for declaration of title based on the registered sale deed. The plaintiff further alleged that the defendants of the suit encroached his land. Now, therefore, the issue between the parties to the suit is whether the plaintiff has acquired title on the suit property by registered sale deed and whether the defendants have encroached or not.

5. So far this issue is concerned, the presence of the intervener is not at all necessary. The intervener is raising the question that in fact the plaintiff has encroached the interveners land. So far this issue is concerned, it is foreign to the original suit and if this issue is allowed to be trial in the case, the issue will be between the intervener in the one side and the parties to the suit will be in the other side. Therefore the learned Court below has rightly rejected the intervention application. Thus, I find no reason to interfere with in exercise of supervisory jurisdiction.

6. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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