

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15195 of 2014

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Satya Narayan Rai & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Respondent/s : Mr. Gp-30 Raju Giri

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 04-02-2016 1. Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

2. This application under Article 227 of the Constitution of
India has been filed by the intervener petitioner for setting aside
the order dated 08.07.2014 passed by the learned Sub Judge Ist,
Muzaffarpur in Title suit No.729 of 2013 whereby the learned
Court below rejected the application filed by the petitioners under
Order I Rule 10 CPC.

3. It appears that the plaintiff respondent filed the
aforesaid suit for declaration of title and recovery of possession of
the suit property. The defendants in the suit filed contesting
written statement. Thereafter, the present petitioner filed the
application for being added as party on the ground that the
ancestors of the respondents had already sold some property by

registered sale deed dated 16.01.1978 and 31.05.1985. According to the intervener, now the plaintiff is trying to get his title declared with respect to this property which has been purchased by the ancestor of the interveners. This application has been rejected by the impugned order.

4. From perusal of the impugned order, it appears that the copies of the sale deeds were produced by the intervener before the Court below. After perusal of the same, the Court below recorded clear finding that the suit property is different property and the property purchased by the interveners is different property, i.e., the property purchased by the interveners are not the subject matter of the present suit and, therefore, these petitioners have no role to play in the suit.

5. Since this finding of the Court below is pure finding of fact, in supervisory jurisdiction, the same cannot be interfered with. Since according to the Court below, they have not purchased suit property, they cannot be said to be necessary party in the present suit. Thus, this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)