

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.23 of 2016**

Urmila Devi

.... Appellant/s

Versus

Paras Nath Prasad & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava

For the Respondent/s : Mr.

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

ORAL ORDER

2 28-04-2016

Heard Mr. V.S. Shrivastava, learned counsel,
appearing for the petitioner.

2. It appears that the intervenor-defendant is the petitioner, who is challenging the order dated 27.02.2016 passed by the Sub-Judge-I, Motihari, East Champaran in Partition Suit No. 50 of 2016, whereby the court below has allowed the intervention application filed by the respondent No. 8, Ramesh Prasad.

3. It may be mentioned here that the plaintiff is not challenging the order. The defendant is raising the dispute against the defendant-intervener. It is settled principles of law that who is to be made party is the question that will be decided only by the court on the basis of the material available on record and in that case the defendant has nothing to say. Therefore, at the instance of

the defendant, the impugned order cannot be interfered with in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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