

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12083 of 2015

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Heera Prasad Gupta

.... Petitioner/s

Versus

Ashok Prasad Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushanta Kumar Das

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 03-05-2016

Heard the learned counsel, Mr. Sushanta Kumar Das for the petitioner and the learned counsel, Mr. R.K.Sinha for the respondents.

It appears that the learned Sub Judge IV, Araria in Title Suit No.179 of 2001 rejected the application filed by the defendant-petitioner for framing an issue to the effect that the suit is bad for non-joinder of necessary party as in Title Suit No.179 of 2001, the plaintiff is claiming for setting aside the order passed by the Circle Officer who is Collector under the Bihar Privileged Persons Homestead Tenancy Act.

From perusal of the order, it appears that the Court below considered the fact that in the written statement no such plea has been raised that the State of Bihar is a necessary party. According to the learned counsel for the respondent No.5, there is an issue to the effect that whether the suit is bad for defect of parties.

In my opinion, this issue framed by the Court below shall cover the issue which is being sought to be framed as a separate issue in the suit. In view of the above factual position, I do not find any reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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