

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7566 of 2014

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Maheshwar Choudhary Son of Late Kulo Choudhary, Resident of Village Singhia Makandpur, P.O. Singhia Makandpur, P.S. Gopalpur, District Bhagalpur

.... Petitioner

Versus

1. Smt. Rinku Devi, Wife of Rakesh Kumar Singh, Resident of Village Pachgachhia Bazar, P.O. Pachgachhia Bazar, Police Station- Gopalpur, District Bhagalpur
2. Smt. Nisha Devi, Wife of Prem Kumar alias Awadesh Sah, Resident of Village Bari Makandpur, P.O. Abhiya Bazar, P.S. Gopalpur, District Bhagalpur
3. Bishun Deo Gosain
4. Laddu Gosain Both Sons of Late Megh Baran Gosain
5. Bhamia Devi
6. Kamiya Devi
Both Daughters of Late Megh Baran Gosain Respondent Nos. 3 to 6, Resident of Village Bari Makandpur, P.O. Abhiya Bazar, Police Station Gopalpur, District Bhagalpur
7. Rupesh Goswami
8. Sanjay Goswami
9. Sunil Goswami Respondent No. 7 to 9, Son of Babu Lal Gosain
10. Amia Devi
11. Sudama Devi
12. Pushpa Devi Respondent Nos. 10 to 12, Daughters of Babu Lal Gosain, Respondent Nos. 7 to 12, Resident of Village Bari Makandpur, P.O. Abhiya Bazar, Police Station Gopalpur, District Bhagalpur
13. Uma Shankar Choudhary, Son of Late Kulo Choudhary, Resident of Village Singhia Makandpur, P.O. Singhia Makandpur, P.S. Gopalpur, District Bhagalpur, Presently Residing at Bagna Bari, Colony No. 1, by the Side of Canal, District Katihar
14. Naresh Choudhary, Son of Late Kulo Choudhary, Resident of Village Singhia Makandpur, P.O. Singhia Makandpur, P.S. Gopalpur, District Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 19-02-2016

Heard the learned counsel for the petitioner.

By the impugned order dated 25.03.2014, the learned

Sub Judge II, Naugachia, in Title Suit No. 118 of 2010 allowed the intervention application of the intervener.

From perusal of the impugned order, it appears that the court below on the basis of the materials i.e. the documentary evidences produced by the parties and deposition of the intervener in money suit recorded finding that the intervener is a necessary party as it is admitted fact that the intervener is the younger brother of the plaintiffs and the subject matter of the suit for which the suit has been filed belonged to the joint family, according to the intervener, whereas according to the plaintiff, the property allotted in their shares in partition of the year 1970.

In view of the above factual position and in view of the finding recorded by the court below on the basis of the documents and record that the presence of the intervener is necessary for just decision of the controversies between the parties, the order passed by the court below cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

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