

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16487 of 2015

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Raghubir Choudhary

.... Petitioner/s

Versus

Mihir Das Gupta & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 28-06-2016 Heard the learned counsel, Mr. Shyameshwar Dayal for the petitioner and the learned counsel, Mr. Shabbir Alam for the respondents.

Perused the order dated 17.06.2015 passed by Civil Judge(Jr. Div.) Munsif I, Begusarai in Title Eviction Suit No.5 of 2012 by which the Court below has allowed the intervention application filed by the respondent No.2.

The learned counsel for the petitioner submitted that in an eviction suit, a person, who is claiming addition of party on the ground of title, cannot be added as party.

On the contrary, the learned counsel for the respondent No.2 submitted that the petitioner is praying for declaration of title also and, therefore, the respondent No.2 is necessary party in the present suit.

At the time of hearing of this writ application, a copy of

the plaint is produced by the petitioner himself. In the plaint at relief no.1(a), it appears clearly that the plaintiff has also sought for declaration of title. The Court below, therefore, on the basis of the case of both the parties found that the respondent No.2 is necessary party. When the Court below found the respondent No.2 as necessary party, the Court has the jurisdiction to add him as party in the suit.

Therefore, in view of the above factual position, in my opinion, the Court below has rightly added the respondent No.2 as party-defendant in the suit.

Therefore, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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