

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18872 of 2015

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Bharat Choudhary

.... Petitioner/s

Versus

Parmananda Goswami & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-06-2016 Heard the learned counsel, Mr. Rajeev Ranjan Prasad, for the petitioner.

Perused the impugned order dated 10.07.2015 passed by Sub Judge VI, Hajipur in Title Suit No.435 of 2002 whereby the learned Court below has allowed the intervention application filed by the respondent No.2.

From perusal of the impugned order, it appears that the Court below has clearly recorded that the respondent No.2 is a necessary party. Against this order, the plaintiff is not aggrieved and he has not challenged the order. The defendant No.1 filed this writ application on the ground that the Court below has wrongly appreciated the materials and wrongly recorded that the petitioner is a necessary party.

The Hon'ble Supreme Court in the case of *Jai Singh and others vs. Municipal Corporation of Delhi and another (2010)9*

SCC 385, has held that ‘the High Court is expected to exercise such wide powers with great care, caution and circumspection. The exercise of jurisdiction must be within the well-recognized constrains. It cannot be exercised like a “bull in China shop”, to correct all errors of Judgment of a Court, or Tribunals, acting within the limits of its jurisdiction. This correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or flagrant abuse of fundamental principles of law or justice.’ In the present case, in view of the facts alleged in the writ application, the dispute is between the defendant and subsequent added defendant in the suit, the plaintiff is not aggrieved by the order.

In such view of the matter, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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