

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.475 of 2016**

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Binod Kumar Thakur & Ors

.... Appellant/s

Versus

Ajay Kumar Singh & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anuj Kumar

For the Respondent/s : Mr.

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

2 01-09-2016

Heard learned counsel for the petitioners.

Perused the order dated 05.05.2016 passed by Civil Judge (Senior Division) -X, Vaishali at Hajipur in Title Suit No.13 of 2011 whereby the learned court below rejected the intervention application filed by the petitioners on the ground that the suit has been filed by the plaintiff for specific performance of contract. The defendant filed written statement denying to have executed the agreement to sell in favour of the plaintiff. Therefore, the question to be decided is whether the agreement to sell is genuine agreement or not.

In view of the above facts and circumstances of the case, it appears that the interveners are claiming to have independent title in the suit property, which is conflicting interest against the original defendant. This dispute between inter-se defendants cannot be decided in the suit. If so advised, the

petitioners may initiate appropriate proceeding before appropriate forum for redressal of the grievance. However, from perusal of the impugned order as stated above, I find no jurisdictional error, as such, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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