

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.887 of 2016

Uma Shankar Prasad

.... Appellant/s

Versus

Smt. Sita Devi & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Dronacharya

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 02-09-2016

Heard learned counsel Mr. Dronacharya for the petitioner.

The intervener, who is neither a party to the suit nor party in the execution case, has filed this civil miscellaneous application under Article 227 of the Constitution of India challenging the order dated 22.07.2016 passed by Execution Munsif, Muzaffarpur in Execution Case No.12/1 of 1995 whereby the amendment application filed by the plaintiff-decree holder-respondent has been allowed.

It is admitted fact that the intervener is not party to the proceeding i.e. the suit for eviction and his application under Order 1 Rule 10 of the Code of Civil Procedure has already been rejected. His application under Order 21 Rule 97, 99 and 101 of the Code of Civil Procedure has also been rejected, which was confirmed by the High Court. The amendment application has

been filed by the plaintiff-decree holder-respondent which has been allowed by the court below. This execution case arises out of an eviction suit filed under the Bihar Building (Lease, Rent and Eviction) Control Act.

In view of the above facts and circumstances of the case, in my opinion, the intervener, who is still not a party to the proceeding, has got no role to play in the matter of functioning of the Court and passing judicial orders. As such, at his instance the order allowing the amendment cannot be interfered with in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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