

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1179 of 2016**

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Madan Mohan Singh @ Dani Singh

.... Appellant/s

Versus

Saryu Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr. Rishi Raj Sinha-Sc19

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

2 24-11-2016

Heard learned counsel for the petitioner, learned counsel for the State and also learned counsel appearing on behalf of respondent no.1.

Perused the impugned order dated 19.05.2016 passed by learned Subordinate Judge-III, Sheikhpura in Title Suit No.78 of 2013 whereby the learned court below rejected the application filed by the petitioner under Order 1 Rule 10(2) of the Code of Civil Procedure.

From perusal of the impugned order, it appears that the court below has held that since this is not a partition suit, the presence of the petitioner who claims himself to be the co-sharer of the plaintiff is not necessary as the suit has been filed by the plaintiff for declaration of title only.

In view of the above facts and the finding of the court below I find no reason to interfere with the impugned order in

exercise of supervisory jurisdiction.

Thus, this civil miscellaneous application is dismissed.



(Mungeshwar Sahoo, J)