

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5392 of 2016

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Gopal Narain Singh

.... Petitioner/s

Versus

Smt. Usha Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. D. Yadav

For the Respondent/s : Mr. Gp4- Uma Shankar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 26-07-2016

Heard learned counsel for the petitioner, learned counsel, Mr. Madhuresh Prasad appearing for respondent No. 1 and the learned counsel, Ms. Abhanjali, appearing on behalf of the State-respondent.

2. Perused the order dated 10.07.2015 passed by the learned Sub-Judge-VI, Aurangabad in T.S. No. 401 of 2012/462 of 2013.

3. It appears that the court below after considering the case of the intervener recorded clear finding that the intervener has got right to protect her interest with respect to at least Khata No. 122, Plot No. 839, which is also a subject matter of the suit. Admittedly, the petitioner is the elder brother of the intervener and the gift deed has been executed by the father in favour of the intervener. The genuineness or otherwise or validity or otherwise of the gift deed is in question and this question only be decided in

the presence of the intervener.

4. In such view of the matter, the learned court below rightly allowed the intervention application. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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