

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11854 of 2014

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Smt. Urmila Devi wife of Sri Krishna Singh resident of village- Naili, P.S.-
Bathani, District- Gaya. Petitioner/s

Versus

1. Sri Ram Chandra Jee, Janki Jee, Laxman Jee the Deities installed in the temple situated in Village- Naili, P.S.- Bathani, District- Gaya through the Sewayat Sri Krishna Prasad Singh.
2. Sri Krishna Prasad Singh son of Late Babu Dwarika Singh, Sewayat of the temple of Sri Ram Chandra Jee, Janki Jee, Laxman Jee the Dieties installed in the temple situated in Village- Naili, P.S.- Bathani, District- Gaya
3. Raghu Pungar Singh son of Yadunandan Singh resident of village- Naili, P.S.- Bathani, District- Gaya
4. Bhola Singh son of Kamla Singh
5. Krishnandan Singh son of Triloki Singh
6. Suprabhat Ranjan son of Bameshwar Singh
7. Vijay Singh son of Parshuram Sharma All resident of village- Naili, P.S.- Bathani, District- Gaya. ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kr Sinha No.2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 11-08-2016

Heard Mr. Sinha, learned counsel for the petitioners.

The plaintiff in the suit is the petitioner before this Court assailing the order by which the learned court below has allowed the prayer of the respondent 2nd set to be impleaded as intervener-defendants in the suit.

From the averments made in the application and the submissions on behalf of the petitioner, it is transparent that the suit



has been filed by the plaintiff for declaration of her title and possession over the suit land. It has been the case of the plaintiff-petitioner that the suit property is situate at village Gopdiha and the defendant-deities has no concern with that property as the said property has also not been included in the Samarpannama executed in favour of the defendant-deities. A compromise petition between the plaintiff and the defendant no. 2 who is shebait of the deity defendant no. 1 has been filed in the suit. However, it is also evident that the defendant no. 2 is the husband of the plaintiff. At that stage the respondent 2nd set filed the petition under Order 1 Rule 10 (2) C.P.C. for their impleadment as defendants in the suit. The learned court below, after considering the submissions and facts and circumstances of the case, has come to the conclusion that for just and proper adjudication of the dispute, the respondent 2nd set are required to be made intervener-defendants in the suit and accordingly the impugned order has been passed.

Mr. Sinha, learned counsel for the petitioners has submitted that the respondent 2nd set have got no concern with the suit property which is the exclusive property of the plaintiff. It has been further canvassed that the deity-defendant no. 1 is also the private deity and the trust is also a private trust over which the public has no concern. The counsel has emphasized that the respondent 2nd set have got them impleaded in the suit only to linger the proceeding.

After considering the submissions and the perusal of the impugned order, it is manifest that there has been a compromise between the plaintiff-petitioner and the defendant no. 2. It is also apparent that the defendant no. 2 who represents the deity-defendant no. 1 is the husband of the plaintiff-petitioners. The learned court below has considered the facts and circumstances of the case and thereafter has come to the conclusion that the impleadment of the respondent 2nd set as intervener defendants is required for just adjudication of the case. From the perusal of the impugned order, this Court does not find that the learned court below has committed any error of jurisdiction or illegality in passing the order. This Court, therefore, is not inclined to interfere with the impugned order. However, the submission on behalf of the petitioner that the purpose of the respondent 2nd set in getting themselves impleaded as party-defendant is only to delay the disposal of the suit is to be noticed and in this backdrop, the learned court below is directed to dispose of the suit expeditiously and preferably within six months from the date of receipt/production of this order.

The application is, accordingly, dismissed with the aforesaid direction.

(V. Nath, J)

Devendra/-

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