

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.229 of 2016**

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Ran Bijay Narayan Gupta @ Babloo

.... Appellant/s

Versus

Ajay Kumar Gupta & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar

For the Respondent/s : Mr.

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

2 10-08-2016

Heard learned counsel for the petitioner.

2. Perused the order dated 14.03.2016 passed by the learned Sub- Judge-IV, Munger in T.S. No. 210 of 2013, whereby the court below has rejected the application filed by the petitioner under Order 1 Rule 10 C.P.C. for being added as party in the suit.

3. From perusal of the impugned order, it appears that for the relief of declaration of title, the petitioner has already filed T.S. No. 74 of 2011, which is still pending. So far the present suit being T.S. No. 210 of 2013 is concerned, the prayer has been made for partition and declaration of title on the ground of oral partition/family arrangement. The court below considered all these aspects of the matter and held that the question, which is being raised by the petitioner of his acquisition of title by his ancestor, cannot be decided in the present suit and for deciding the family arrangement between the plaintiff and the defendants in the

present suit, presence of the petitioner is not required. In other words, in the present suit, the petitioner is not a necessary party.

4. In view of the above fact, the learned court below on the basis of the material available on record, rightly rejected the application filed by the petitioner. Therefore, in my opinion, no case for interference in exercise of supervisory jurisdiction is made out. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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