

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13763 of 2014

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1. Pushpa Devi W/o Ram Niwas Choudhary, Daughter of Late Mukh Lal Singh R/o Village+ P.O.- Kukuraha, P.S.- Itarhi, District-Buxar, presently residing at C-1/2, Vashisht Park near Janak Cenema, Delhi.

.... Petitioner/s

Versus

1. Ram Niwas Choudhary Son of Sri Parasuram R/o Village+ P.O.- Kukuraha, P.S.- Itarhi, District-Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-09-2016

Heard learned counsel for the petitioner.

The present application has been filed by the petitioner aggrieved by the impugned order passed by the learned court below impleading Rama Ashrya Choudhary as party in the matrimonial case. The sole submission on behalf of the petitioner is that the petition in the court below was filed by the respondents under Order 6 Rule 17 CPC and not under Order 1 Rule 10(2) of the CPC and therefore, the same was not maintainable and the learned court below has committed error in allowing the petition filed under the wrong provision. No other submission has been made on behalf of



the petitioner.

From the perusal of the present application, it appears that Rama Ashrya Choudhary who has been impleaded as party in the matrimonial case has not been impleaded as party respondent in the present application. Moreover, the prayer on behalf of the respondent was in substance for impleadment of Rama Ashrya Choudhary as party in the matrimonial case and the filing of the petition cannot be said to be material enough to vitiate the order passed by the court as the court has the jurisdiction to add or strike off a party in a proceeding. This Court, therefore, is not inclined to interdict the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

