

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13373 of 2014

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Arun Kumar Singh, son of late Bharat Kumar Singh resident of village-Paradih,
P.S. Keori, District-Darbhanga, at present residing at Girindra Mohan Road,
Lalbagh, P.S. Town, District-Darbhanga.

.... Petitioner/s

Versus

1. Shobhakant Jha son of late Kusheshwar Jha, resident of village-Kachhua
Bhisham Tola, P.S. Jalley, District-Darbhanga.
2. Maharani Adhirani Kamsundari wife of late Maharaja Kameshwar Singh,
resident of Kalyani Niwas, Raj Campus, in front of P.T.C. Gate, P.S. L.N.M.U.
District-Darbhanga.
3. Sri Kapileshwar Singh son of late Kumar Shubheshwar Singh, resident of
Rambagh, Raj Campus, P.S. L.N.M.U. District-Darbhanga.
4. L.N. Mithila University, Kameshwar Nagar Darbhanga through the vice
Chancellor, L.N.M.U. Kameshwar Nagar, Darbhanga.
5. The Registrar, L.N.M.U., Kameshwar Singh, Darbhanga.
6. The Chairman D.R.D.A., Darbhanga.
7. The Vice Chairman, D.R.D.A., Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Adv.

For the Respondent/s : Mr. Chandra Mohan Singh, Adv.

For Darbhanga Municipal

Corporation : Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-09-2016

Heard Mr. Kaushalesh Choudhary, learned counsel for the
petitioner and Mr. Chandra Mohan Singh, learned counsel for the
respondent nos. 4 and 5.

The legal acceptability of the impugned order by which

the learned court below has rejected the prayer of the petitioner for addition as party defendant in the suit has been challenged by the petitioner by filing application under Article 227 of the Constitution of India.

The petitioner has claimed his independent title and possession over the suit property. Learned counsel for the petitioner has further also submitted that the petitioner has filed his own suit for declaration of title and confirmation of possession over the suit land which is pending. From the averments made in the application as well the annexures thereto, it is evident that the plaintiff-respondents have filed the present suit only for declaration of title and for declaration that the deed of agreement between the defendant 2nd set and 3rd set is inoperative and not binding upon the plaintiffs. It is manifest therefore that no relief with regard to the possession or injunction etc. has been prayed by the plaintiff. The learned court below has come to the finding that the independent right, title and interest as claimed by the petitioner could not be affected in any manner by the decision in the present suit and therefore he is not a necessary party in the suit. This Court does not find any illegality or perversity in the said finding as obviously when the petitioner is not a party in the suit, any judgment and decree passed in the said suit would not be binding upon the right, title and interest over the property as claimed by the petitioner.

Ex consequenti, this Court does not find any merit in this application which is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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