

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7890 of 2015

- =====
1. George Regaon Kumar.
 2. Rana Ranjeet Yadav. Both son of Sunil Prasad Yadav @ Sklin Prasad Yadav. Resident of Kanp, P.S.- Saur Bazar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Saharsa.
2. The Survey Settlement Officer Saharsa, District - Saharsa.
3. Manikant Malakar.
4. Manikant Malakar. Both son of Late Kunjilal Bhagat. Resident of Kanp, P.S.- Saur Bazar, District - Saharsa.
5. O.P. Yadav.
6. Janar Yadav.
7. Kailash Yadav. All son of Late Sukhdeo Mandal.
8. Narayan Yadav.
9. Solen Yadav.
10. Golu Yadav. All son of Late Natho Mandal.
11. Shankar Mandal.
12. Raja Ram Mandal. All son of Late Kali Mandal. All resident of Kaup Tola Sheetal Palti, P.S.- Saur Bazar, District - Saharsa.
13. Jay Narayan Bhagat.
14. Banarsi Bhagat.
15. Jagdish Bhagat. All son of Late Bisheshwar Bhagat.
16. Kailu Bhagat.
17. Raj Kumar Bhagat. Both son of Late Sukhdeo Bhagat. All resident of village - Kaup, P.S.- Saur Bazar, District - Saharsa.
18. Bino Sah.
19. Bindeshwari Sah. Both son of Late Anandi Sah.
20. Gajendra Sah.
21. Bijendra Sah.
22. Lakhi Chand Sah. All son of Late Karam Lal Sah.
23. Tarni Sah. Son of Late Gangiya Devi and Grand Son of Late Bhagwat Sah.
24. Ram Deo Sah.
25. Brahmdeo Sah.
26. Bramha Sah.
27. Bishnu Deo Sah. All son of Late Daywati Devi and Grand son of Late Bhagwat Sah.
28. Mahendra Sah.
29. Yogendra Sah.
30. Bijendra Sah. All Son of Late Pane Sah @ Mohan Sah.
31. Musharu Sah.
32. Suman Sah. Both son of Late Kamal Sah.
33. Wakil Sah. Son of Late Bhumi Sah and Grand son of Late Mayawati.
34. Ashok Sah.
35. Tilo Sah. Both Son of Late Rajo Sah and Grand son of Late Mayawati. All resident of village - Kanp, P.S.- Saur Bazar, District - Saharsa.
36. Md. Riajul.
37. 36. (a) Md. Sarajul.

38. 36. (b) Md. Nazam. All son of Late Sam Suddin.
39. Gafoor. Son of Hazi Abdul Mazeed.
40. Md. Jalal.
41. 38. (a) Md. Salauddin.
42. 38. (b) Md. Jubair.
43. 38. (c) Md. Ishar. All Son of Late Sahir.
44. Nawab.
45. Hakim Mian.
46. Jakir Mian. Both Son of Late Fulo Mian and Grand son of Late Hazi Abdul.
47. Sadique Mian.
48. Seraj Mian.
49. Muraj Mian. All son of Rajaque Mian and Grand son of Late Hazi Abdul Majeed. All resident of village - Kaup, P.S.- Saur Bazar, District - Saharsa.
50. Manyula Devi. Wife of Sunil Prasad Yadav.
51. Sunil Prasad Yadav @ Sulin Prasad Yadav. Son of Domi Chand Yadav. Both resident of village - Kaup, P.S.- Saur Bazar, District - Saharsa.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Raju Giri- Gp30

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

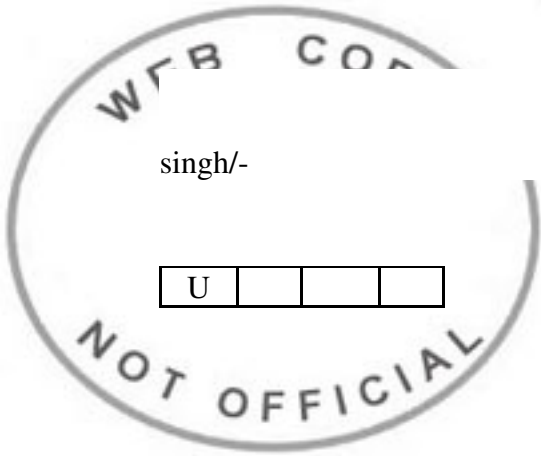
- 2 07-04-2016 1. Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and also heard A.C. to G.P. 30 on behalf of State-respondent.
2. From the order dated 07.02.2015 passed by Sub Judge- IV in Title Suit No. 228 of 2012 it appears that the court below allowed the intervention application filed by the interveners on the ground that they are purchasers of 17 katha 13 dhurs of land and also they are claiming title over the entire property.
3. The grievance of the petitioners is that the plaintiff- petitioner is not claiming any relief against the

interveners and further that the plaintiff is dominus litis. Therefore, he cannot force to fight a litigation against a person against whom no relief is claimed but the court below has erroneously allowed the intervention application.

4. The Hon'ble Supreme Court in the case of Mumbai International Airport (P) Ltd. –v- Regency Convention Centre & Hotels (P) Ltd., (2010) 7 SCC 417 has held that the general rule in regard to impleadment of parties is that the plaintiff in a Suit, being dominus litis, may choose the persons against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person, who is not a party has no right to be impleaded against the wishes of the plaintiff but that general rule also speaks to the provisions of Order 1, Rule 10(2) of the Code of Civil Procedure by which the Court is given the discretion to add as a party, any person, who is found to be a necessary party or proper party.

5. The Court below in the impugned order has clearly considered the case of both the parties and held that the interveners are the necessary party and therefore the court below has discreted to add. In such circumstances, the orders cannot be interfered in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

6. Thus, the writ application is dismissed.



(Mungeshwar Sahoo, J)