

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.990 of 2016**

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Chinta Devi & Ors

.... Appellant/s

Versus

Kameshwar Sharma & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Parmeshwar Vishwakarma

For the Respondent/s : Mr.

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

ORAL ORDER

2 21-09-2016

Heard learned counsel, Vishal Saurav, appearing for
the petitioners.

2. Perused the impugned order dated 03.08.2016 passed
by the Sub-Judge-II, Patna in T.S. No. 225 of 2007, whereby the
learned court below rejected the intervention application filed by
the petitioners.

3. From perusal of the impugned order, it appears that
the court below clearly recorded the finding that the suit has been
filed for removal of encroachment by the defendants on record,
who are the brothers of these petitioners. The evidence of the
plaint has already been closed. At this stage, the petitioners, who
are resident of different villages and residing in their *sasural*, have
filed this application for being added as party on the ground that
their mother has died and their names have been expunged.

4. Admittedly, the brothers of these petitioners are

already on record as defendant Nos. 2 to 5. It is also admitted that these petitioners are resident of different villages of different police stations. The case has been filed only for removal of encroachment. In such circumstances, the learned court below has rightly held that the presence of these petitioners are not necessary in the present suit, as such, the learned court below has rightly rejected the application. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)