

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.949 of 2016**

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Harendra Rai

.... Appellant/s

Versus

Anarwa Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar Tondon

For the Respondent/s : Mr.

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

3 24-11-2016

Heard the learned counsel for the petitioner.

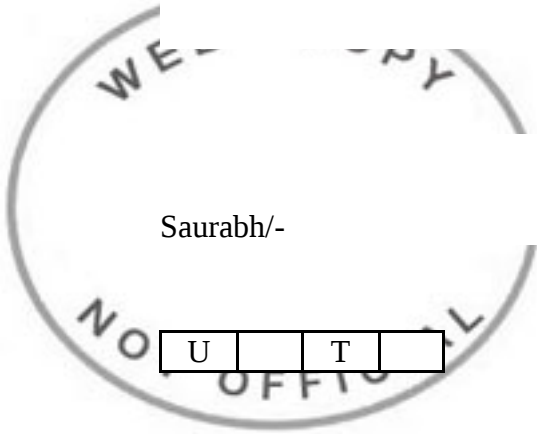
Perused the impugned order dated 17.05.2016 passed
by Sub Judge VI, Motihari in Partition Suit No.770 of 2015.

It appears that this partition suit was filed by the
plaintiff-petitioner for partition of the property of Kishun Ahir.
The intervener-respondent No.15 namely Kishiya Devi filed
application under Order I Rule 10 C.P.C. for being added as party
on the ground that she is the daughter of Kishun Ahir. The
plaintiff-petitioner disputed her claim and the case is made out by
the plaintiff-petitioner that she is not the daughter of Kishun Ahir.

In view of this dispute between the plaintiff and Kishiya
Devi, this issue is required to be decided by the Court below and,
therefore, for deciding this issue regarding parentage of Kishiya
Devi, her presence is necessary.

Thus, I do not find any reason to interfere with the

impugned order in exercise of supervisory jurisdiction.
Accordingly, this Civil Miscellaneous application is dismissed.



Saurabh/-

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(Mungeshwar Sahoo, J)