

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.36 of 2016**

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Vimla Devi @ Bimla Devi

.... Appellant/s

Versus

Dina Nath Prasad & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abinash Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 18-05-2016

Heard learned counsel Mr. Abinash Kumar for the
petitioner.

The learned Subordinate Judge-Vth, Patna in Title Suit
No.326 of 2010 allowed the intervention application filed by the
intervener by terms of order dated 29.03.2016 recording a finding
that the intervener has obtained a decree for specific performance
of the suit property and the present suit for specific performance
filed by the petitioner is not contested by the defendant as he has
already executed agreement to sell in favour of the intervener.

Since the court below has recorded the finding that the
presence of the intervener is necessary in the present case because
decree is there in his favour, in my opinion, this is not a fit case for
interference in exercise of supervisory jurisdiction under Article
227 of the Constitution of India. Thus, this application is
dismissed.

Harish/-

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(Mungeshwar Sahoo, J)