

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.24 of 2017

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Manoj Kumar

.... Appellant/s

Versus

Uma Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Uday Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-01-2017 **1.** Heard the learned counsel, Mr. Kumar Uday Singh, for
the petitioner.

2. Perused the impugned order dated 4.7.2016 passed by
learned Sub Judge-14, Motihari in Final Decree (Partition) Case
No.145 of 1973 whereby the learned Court below rejected the
application filed by the petitioner under Order 1 Rule 10 CPC for
being added as party.

3. It appears that partition suit was filed and it was decreed
preliminarily holding that the plaintiff is entitled to 8 annas share
in the suit property. The Court below also held that since the suit
had been decreed preliminarily and the plaintiff is entitled to only
8 annas share, the petitioner will be entitled to a share in the share
of vendor who are parties in the suit and, therefore, at this stage
there presence is not necessary.



4. Admittedly, it is a partition suit and plaintiff's share has been decreed up to half share only. The half share is to be allotted in favour of the defendant. The petitioner's vendor is the defendant and, therefore, at this stage, if the petitioner will be added as party, it will only complicate the matter. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

5. Accordingly, this Civil Misc. Application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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