

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.66 of 2016

- =====
1. Seema Prasad @ Seema Sharan daughter of late Nawal Kishore Sharan, wife of Sri Manoj Ranjan Prasad, resident of House No. B/103, Housing Colony, Lohia Nagar, Kankarbagh, P.S.- Kankarbagh, District-Patna-800020, at present residing at C/48, Krishna Bungalow-3, Motera, District-Ahmadabad, State-Gujarat.
2. Sanjay Kumar Sharan son of late Nawal Kishore Sharan.

.... Petitioner/s

Versus

Smt. Neera Jain, wife of Sri Ujjwala Kumar Jain, at present residing at Rajendra Nagar, Road No. 7, P.S. Kadamkuan, District-Patna. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-04-2017

Heard learned counsel for the petitioners.

By the impugned order, the learned court below has rejected the prayer of the petitioner for her impleadment as a party under Order 1 Rule 10 (2) C.P.C. in an eviction suit.

After considering the submissions and perusal of the materials on record, it is evident that the petitioner is claiming to be one of the daughters of the deceased defendant no. 1. However, learned counsel for the petitioners has accepted that the fact that the petitioner resides in Ahmadabad with her husband has not been denied by the petitioner and the petitioner is not in possession of the suit property. It also transpires that by order dated 03.12.2011, the similar prayer raised by the defendants who are mother and brother of the petitioner has already been rejected by the court below holding



that the petitioner was not a necessary party to the suit. This Court, therefore, does not find any reason to interfere with the impugned order as the learned court below has not committed any error of jurisdiction in passing the impugned order.

The revision application is, accordingly, dismissed.

However, the petitioner shall not be prejudiced by this order in her independent action, if permissible in law, to protect her interest in the suit property, if any, in accordance with law.

(V. Nath, J)

Devendra/-

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