

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1593 of 2016

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Dashrath Sah

.... Appellant/s

Versus

Rameshwar Sah & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

- 3 27-01-2017 **1.** Heard the learned counsel, Mr. Abdul Manan, for the petitioner.
- 2.** Perused the impugned order dated 30.07.2016 passed by Sub Judge IInd, Munger in Title Suit No.23 of 2009 whereby the learned Sub Judge has allowed the intervention application filed by the intervener-respondent No.1.
- 3.** From perusal of the impugned order, it appears that the Court below considering the case of the intervener found that he is a necessary party in the suit as the plaintiff admitted the case of the intervener that he is also a co-sharer. The plaintiffs are not challenging the order whereby the intervener has been added as party rather the defendant is challenging the order.
- 4.** Since in a suit, the plaintiff is the dominus litis and he has to decide who will be added as party defendant in his suit.



The defendant cannot dictate the plaintiff that which person will be added as defendant and which person shall not be added as defendant. In my opinion, therefore, the petitioner is not an aggrieved person against the impugned order and so he can challenge the order whereby intervention application has been allowed.

5. Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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