

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1546 of 2016**

=====

Krishna Kumar Singh

.... Appellant/s

Versus

Vinay Kumar Singh & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajit Kumar

For the Respondent/s : Mr.

=====

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

ORAL ORDER

3 10-02-2017

Heard learned counsel for the petitioner.

Perused the impugned order dated 28.10.2016 passed by Subordinate Judge-V, Samastipur in Title Suit No.146 of 2013 whereby the application filed by the plaintiffs-respondents for adding the State of Bihar as party defendant has been allowed. The petitioner is the defendant. When the application has been filed by the plaintiffs for adding a person as a party, the defendant cannot dictate the plaintiff that which person should be added and which person should not be added. The Hon'ble Supreme Court in the case of **Mumbai International Airport Private Limited Vs. Regency Convention Centre and Hotels Private Limited and others (2010) 7 Supreme Court Cases 417** at paragraph 24.4 has clearly held that if an application is made by the plaintiff for impleading someone as a proper party subject to limitation bonafide etc., the court will normally implead him. In the present



case, the court found the State of Bihar as necessary party and the application has been filed by the plaintiffs, which the court below has allowed.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--

