

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15236 of 2013

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1. Awadhesh Thakur Son Of Late Raghu Nandan Thakur Resident Of Village- Patahi Roop, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
2. Narayan Thakur Son Of Late Bigu Thakur Resident Of Village- Patahi Roop, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
3. Ramna Shankar Thakur @ Shyam Kumar Son Of Late Badri Narayan Thakur Resident Of Village- Patahi Roop, Police Station- Muzaffarpur Sadar, District- Muzaffarpur

.... Petitioners

Versus

1. The State Of Bihar Through The Collector, Muzaffarpur
2. Rajkiya Primary School, Patahi Roop, P.O.- Patahi, P.S.- Muzaffarpur, District- Muzaffarpur Through The Headmistress Null Null
3. Sumitra Kumari, Headmistress, Null Rajkiya Primary School, Patahi , P.S.- Muzaffarpur Sadar, District- Muzaffarpur
4. Ram Sewak Thakur Son Of Late Ambika Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
5. Ram Surat Thakur Son Of Late Ambika Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
6. Sharwan Kumar Thakur Son Of Late Siya Ram Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
7. Lalan Kumar Thakur @ Satish Thakur Son Of Late Siya Ram Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
8. Suryadeo Thakur Son Of Late Siyabar Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
9. Devendra Thakur Son Of Late Siyabar Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
10. Upendra Kumar Thakur Son Of Late Siyabar Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
11. Sachindra Kumar Thakur Son Of Late Siyabar Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
12. Neelam Devi Wife Of Late Sumant Kumar Thakur Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur
13. Baskhit Kumar Minor Son Of Late Suman Kumar Thakur And Under The Guardianshp Of Mother Neelam Devi Resident Of Village- Patahi Roop, P.O.- Patahi, Police Station- Muzaffarpur Sadar, District- Muzaffarpur

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Asit Kumar Jha, A.C. to G.P.-2.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-01-2017



Heard the learned counsel for the petitioners and the learned counsel for the respondent-State of Bihar.

This revision application has been filed questioning the legal sustainability of the impugned order by which the learned court below has turned down the prayer of the petitioners for being impleaded as party defendant in the suit.

The facts are not in dispute that the suit has been filed by the plaintiffs for ejectment of the defendants from the suit house. It is also apparent from the materials on record that there is a government school running in the suit house. The petitioners filed a petition for being impleaded as intervener defendants on the premises that the school was set up by the ancestors of the petitioners and there was also a temple in the suit premises. It is also the case of the petitioners that the school is running for the benefit of the children of the village and the temple is used by the villagers. The petitioners, therefore, after alleging that the defendants-State of Bihar are not pursuing the matter properly and gone in connivance with the plaintiffs, filed the application to seek their addition as party defendants in the suit.

The learned counsel for the petitioners has submitted that the petitioners have got interest in the suit property as it is for the benefit of the children of the village as well as the villagers.



Referring to the impugned order where the case of the petitioners has been stated, the learned counsel for the petitioners has submitted that the defendant-State of Bihar is not pursuing the matter with diligence and therefore the petitioners are required to be added as party in order to place the correct facts before this Court. It has been lastly submitted that the purpose of the petitioners would be served if the petitioners would be examined as witnesses in the suit on behalf of the defendant-State of Bihar.

The learned counsel appearing for the respondent-State of Bihar has submitted that the petitioners have wrongly alleged the connivance of the defendants with the plaintiffs in the suit. It has been contended that the whole petition has been filed due to the enmity of the petitioners with the plaintiffs of the suit as has been observed in the impugned order.

After considering the submissions and the materials on record, it is evident that the petitioners have no direct interest in the suit property. The fact may be true that the school might have been established by the ancestors of the petitioners but at present it is being run by the State Govt as Government school. The learned court below has also mentioned in the order that the proper pairvy of the suit is being done on behalf of the defendant-State of Bihar.

The provision of Order 1 Rule 10(2) C.P.C.



provides that only such persons can be impleaded as party whose presence before this Court is proper or necessary for determination of the issues between the parties to the suit. In view of the fact that the petitioners have got only peripheral interest in the suit property, the learned court below has committed no error of jurisdiction or material irregularity in passing the impugned order turning down the prayer of the petitioners.

The revision application is, accordingly, dismissed.

The petitioners, however, shall be at liberty to seek the redressal of their grievances, independently in accordance with law.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2017
Transmission Date	

