

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.129 of 2017

- =====
1. Sairoon Nesha @ Shaminum Nesha wife of late Md. Haroon.
 2. Md. Washim
 3. Asfa Sams
 4. Yasmin Perween
 5. Gulafasha Perween, all son and daughters of late Md. Haroon represented through Sairoon Nesha who is Power Attorney Holder of the deceased plaintiff Md. Haroon.
 6. Md. Meraj son of late Anwar Hussain @ Bhola Mian, all are residents of mohalla Ujjain Tola, Bettiah, P.S. Bettiah Town, District West Champaran.

.... Appellant/s

Versus

1. Anjani Kumar Motani son of late Bela Prasad Motani
 2. Vijay Kumar Motani son of late Bela Prasad Motani.
 3. Uttam Kumar Motani son of late Pawan Kumar Motani.
 4. Sarwan Kumar Motani son of late Munna Motani
 5. Smt. Prabha Devi wife of Awadh Kumar Motani.
 6. Rajat Kumar Motani son of Awadhesh Kumar Motani.
all are residents of mohalla Ujjain Tola, Bettiah, Police Station Bettiah Town, District West Champaran.
 7. The President, Bihar State Board and Religious Trust, Patna.
 8. Bibi Saida Khatoon wife of late Anwar Hussain @ Bhola Mian.
 9. Md. Arman
 10. Md. Ejaj
 11. Md. Faiz
 12. Md. Sheraj
 13. Md. Saiyuz
 14. Ali Raja
 15. Culshaira Khatoon
 16. Noorsehra Khatoon
- 9 to 16 are sons and daughters of late Anwar Hussain @ Bhola Mian.
8 to 16 are residents of mohalla Ujjain Tola, Bettiah, Police Station Bettiah town, District West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bashistha Narayan Mishra
Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Ganpati Trivedi, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 27-01-2017 Heard the learned counsel Mr. Bashistha Narayan Mishra for the petitioners and the learned Senior counsel Mr. Ganpati Trivedi for the respondent no. 7.



Perused the impugned order.

From perusal of the impugned order, it appears that the High Court has already held in Civil Revision No. 437 of 1994 that the subject matter of the suit is the family of the defendants whereon the temple is there. Now, therefore, the temple is being sufficiently represented by the defendants. Even if Hanuman Jee is made a party, then also the defendant will represent him as sebaite of Hanuman Jee. In such circumstances, presence of Hanuman Jee is not necessary for deciding the title appeal. In other words, Hanuman Jee is not necessary party in appeal. It is not the case of the plaintiffs- appellants- petitioners that the properties are in the name of Hanuman Jee, rather the case of the plaintiffs is that it has been acquired from the temple income.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction and accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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