

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1590 of 2016**

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Om Prakash Dwivedi & Ors

.... Appellant/s

Versus

Nutan Sharma & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Bali Jha

For the Respondent/s : Mr.

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

ORAL ORDER

2 09-01-2017 Heard Mr. Ram Bali Jha, learned counsel for the

petitioners.

Perused the impugned order dated 25.07.2016 passed
by the Subordinate Judge, 3rd Darbhanga in Partition Suit No.
72 of 2009 whereby the learned court below refused to recall
the order dated 27.07.2014 rejecting the application filed by the
petitioners being added as party in the partition suit.

From perusal of the impugned order dated 25.07.2016,
it appears that the court below found that evidence of both the
parties in the partition suit has already been concluded and the
partition suit is at the stage of argument.

In view of the facts that the suit is at the stage of
argument, if the application for intervention is allowed then
there will be de novo trial. Therefore, if the petitioners have got
any interest in the property in suit by way of purchased as



claimed by them. They may establish their case by instituting proper proceeding before the appropriate forum.

In view of the above facts and circumstances of the case, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Miscellaneous Application is dismissed.

(Mungeshwar Sahoo, J)

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