

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.504 of 2017

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1. Anant Kumar @ Tuntun Sah son of Late Murlidhar Sah Chairman Durga Puja Samiti, Kaswa Kherahi Shahkund.
 2. Suman Kumar Singh son of Chandra Kant Singh Sachiv Durga Puja Samiti, Kaswa Kherahi, Shahkund.
 3. Shyamanand Mishra son of Late Sachchidanand Mishra Cashier, Durga Puja Samiti, Kaswa Kherahi, Shahkund. All residents of Shahkund, P.O. and P.S. Shahkund, District Bhagalpur.

... .. Appellant/s

Versus

1. Pramod Kumar Choudhary
2. Arbinda Kumar both sons of Late Shyam Lal Choudhary both residents of village Purani Kherhi, P.O. and P.S. Shahkund, District Bhagalpur.
3. The State of Bihar through the Collector, Bhagalpur.
4. The Anchaladhikari, Shahkund Anchal District Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar
For the Respondent/s : Mr. RAJ KISHORE ROY-GP18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-09-2017 Heard the learned counsel for the parties.

2. The petitioners are aggrieved by an order, dated 08.02.2017 passed by learned Sub Judge-I, Bhagalpur in Title Suit No. 243 of 2016, whereby an intervention application filed by them under Order 1 Rule 10(2) of the Code of Civil Procedure, 1908 has been rejected.

3. The title Suit appears to have been filed by the respondent Nos. 1 and 2 against the State of Bihar, for declaration of their right title and interest over the suit property. The petitioners intended to intervene on the ground that they are



members of the Durga Asthan and the shop is in occupation belongs to Durga Ashtahn Samiti, which was given on rent to the plaintiffs.

4. From the impugned order, I find that the plaintiff has not sought any relief against the present petitioners. The petitioners could not file any document to prima facie, show their right title and interest over the suit property. The Court noticed that the petitioners presented certain documents to show that the land of Dugra Asthan recorded in the name of Annawad Bihar Sarkar.

5. Rejection of the application of the petitioners to intervene cannot be said to be erroneous in such circumstance. The order does not require any interference.

6. This application is, accordingly, dismissed.

7. Petitioners, however, will be at liberty to raise their claim before any appropriate proceeding by filing separate suit (s).

(Chakradhari Sharan Singh, J)

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