

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.230 of 2017**

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Rajesh Mahto & Anr

.... Petitioner/s

Versus

Hanuman Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr.

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

2 08-02-2017 Heard the learned counsel, Mr. Baidya Nath Thakur for
the petitioners.

Perused the impugned order dated 17.09.2016 passed by
learned Munsif I, Darbhanga in Eviction Execution Case No.3 of
1996 whereby the learned court below has allowed the application
filed under Order I Rule 10(2) C.P.C. for adding the purchaser
from the decree holder as party along with the decree holder.

From perusal of the impugned order, it appears that after
the decree, the intervener has purchased the property on
07.08.2012. The decree holder admitted this fact and has not
objected to the addition and, therefore, in addition, admittedly, his
name has also been added as executant in the execution case.

In such circumstances, I do not find any reason to
interfere with the impugned order in exercise of supervisory
jurisdiction particularly when the eviction decree is against the



judgment debtor-petitioner. The judgment debtor cannot dictate the court that who will be added as party particularly when the decree holder is on record.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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