

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.888 of 2017

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1. Janardan Baitha

2. Yogendra Baitha

Both Sons of late Indrashan Dhobhi, Resident of Village-Jaijor, P.S. Aandar,
District Siwan.

.... Intervenors/Petitioners

Versus

1. Birendra Kumar Sahay

2. Brajendra Kumar Sahay

3. Shailendra Kumar Sahay

All Sons of late Ram Gopal Sahay, Resident of Village-Jaijor, P.S. Aandar, District
Siwan.

.... Plaintiffs/Respondent 1st Set

4. Anil Kumar Dubey, Son of Braj Braj Kishor Dubey

5. Hare Ram Dubey, Son of Late Nagu Dubey

Both Resident of Village-Jaijor, P.S. Aandar, District Siwan.

.... Plaintiffs/Respondent 1st Set

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 13-09-2017

An application filed by the petitioner for intervention,
under Order 1, Rule 10 of the Code of Civil Procedure, has been
rejected by the court below by impugned order, dated 16.03.2017,



passed in Title Suit No. 697 of 2009.

2. It appears that respondent Nos. 1, 2 and 3 have filed the said Title Suit No. 697 of 2009 for declaring a sale-deed, dated 08.09.2008, executed by respondent No. 5 in favour of respondent No. 4, has become *void ab initio*. The petitioners, claiming to be in possession of the land in question, on the basis of oral gift made by the ancestors of respondent Nos. 1, 2 and 3, claiming title over the said suit land, filed the application for intervention.

3. Learned court below has rightly held that the petitioners are neither necessary nor proper parties, since the dispute is mainly between respondent-1st set and respondent Nos. 4 and 5 (respondent-2nd set) with respect to execution of the sale-deed. There is no merit in the application.

4. The application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.09.2017
Transmission Date	N/A

