

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1679 of 2019

Bhola Prasad Gupta Son of Late Priyavart Prasad, Resident of Mahavir Chowk, Saharsa, P.S. and District-Saharsa.

... ..Petitioner/Intervenor

Versus

1. Ravindra Sah Son of Late Dileshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
2. Surendra Sah, Son of Late Dileshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
3. Birendra Sah, Son of Late Dileshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
4. Kari Devi, D/o Late Dileshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
5. Kaushlaya Devi, Wife of Late Dileshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.

...Respondent 1st set/Plaintiff in court below

6. Dhaneshwar Sah, Son of Late Sumirat Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
7. Radheshyam Sah, Son of Dhaneshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
8. Ashok Sah, Son of Dhaneshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.
9. Binod Sah, Son of Dhaneshwar Sah, Resident of Village-Kahra, P.S. and District-Saharsa.

... .. Respondents IInd set/Defendants in the court below

Appearance :

For the Appellant/s : Mr.Pramod Mishra
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

10-01-2020

The present application has been filed “*for setting aside the order dated 30.07.2019 passed by the learned Sub-Judge-V, Saharsa in F.D. No. 28/2004, whereby and whereunder the prayer on behalf of the petitioner to allow him as an intervener*



in the proceeding has been rejected.”

2. Learned counsel for the proposed intervenor/petitioner submits that he had purchased the property in the year 2014 from *khatiyani raiyat* and the same was mutated in his favour and rent receipt was granted. On the other hand, the plaintiffs had claimed the land in question on the basis of *khatiyani* which was not final. It is therefore submitted that in the interest of justice, the learned court below ought to have allowed his intervention petition.

3. Having heard the learned counsel for the proposed intervenor/petitioner and on consideration of materials on record, this Court is not inclined to interfere in the matter.

4. On a perusal of the impugned order, it transpires that the final decree has been directed to be prepared in the year 2007 itself, whereas on the proposed intervenor/petitioner's own saying, he has purchased the land subsequently in the year 2014. It further appears that he had admitted in paragraph 7 of his petition that in new survey the entry stands in the name of the decree holder. The proposed intervenor/petitioner has already filed Title Suit No. 392 of 2017.

5. In the above circumstances, this Court does not find any illegality or infirmity or other jurisdictional error in the



impugned order. The petition stands dismissed

6. Needless to say, nothing herein shall prejudice the merits of the case of the petitioner in Title Suit No. 392 of 2017.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13. 01.2020
Transmission Date	

