

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1883 of 2016

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Dr. Lakshmikant Sahay

.... Petitioner/s

Versus

The Sanjay Gandhi Mahilla College & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 27-04-2016 Heard learned Senior Counsel Mr. Surendra Kumar
Singh for the petitioner.

It appears that the plaintiff-respondent filed Eviction Suit No.51 of 1991/62 of 1991 against the present petitioner on the ground of default in payment of rent and personal necessity. The defendant-petitioner filed contesting written statement claiming title over the suit property. The learned court below recorded clear finding that there is relationship of landlord and tenant between the parties. The court below also recorded finding that the plaintiff has been able to prove that the defendant is a defaulter. The court below also recorded finding that the plaintiff has been able to prove that he is in need of the suit premises and after considering the partial eviction i.e. proviso to Section 11 (c) of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 decreed the plaintiff-respondent's suit for eviction in toto. Against that

eviction decree the present defendant has filed the appeal before the lower appellate court being Eviction Appeal No.07 of 2005. In the said appeal the application has been filed by the tenant to add Dr. Nandjee Kumar as party in the appeal. The petitioner also prayed for striking out the name of Parshuram Mishra. By the order dated 05.12.2015 the learned court below held that if the petitioner is aggrieved by the constitution of regular body he can move before appropriate forum. So far the suit is concerned, Nandjee Kumar is not a necessary party and accordingly, the prayer has been rejected. In such circumstances, in exercise of supervisory jurisdiction this impugned order cannot be interfered with.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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