

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2035 of 2015**

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Kayasts Pathshala Through Anil Kumar Bhatnagar

.... .... Petitioner/s

Versus

Nirmal Kumar Gupta & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Manisha Singh

For the Respondent/s : Mr.

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

2      03-03-2016

Heard learned counsel Mr. Vivek Prasad for the  
petitioner.

The Court below by order dated 17.09.2014 rejected  
the intervention application of the petitioner in Title Suit No. 50 of  
1993.

It appears that the aforesaid eviction suit was filed by  
the plaintiff-respondent for eviction of the defendant-respondent  
under the Bihar Building (Lease, Rent & Eviction) Control Act,  
1982 on the ground of default. The present petitioner filed  
application under Order I Rule 10 (2) CPC for being added as  
party on the ground that in fact, the petitioner is the real owner of  
the property. By the impugned order, the learned Munsif-II,  
Sitamarhi has rejected this application.

It may be mentioned here that so far the eviction suit  
is concerned, the only question to be decided in the suit is whether

there is relationship of landlord and tenant between the parties or not. So far the question which is being raised by the petitioner is concerned, he is challenging the title of the plaintiff. This issue cannot be decided in the present eviction suit. For deciding the issue as to whether there is relationship of landlord and tenant, the presence of the petitioner is not required. Therefore, the petitioner is not a necessary party. Thus, the Court below has rightly rejected the application.

Therefore, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

ravi/-

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