

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.347 of 2015

=====

Harihar Roy

.... Petitioner/s

Versus

Smt. Nidhi Kumari & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Baban Roy

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-02-2016 Heard the learned counsel, Mr. Baban Roy for the
petitioner.

By the impugned order dated 06.09.2014, the learned
Sub Judge III, Patna rejected the intervention application filed by
the petitioner in Eviction Suit No.45 of 2011.

It appears that the said eviction suit has been filed by
the respondent No.1 for eviction of the tenant-respondent No.2.
The petitioner filed application for being added as party on the
ground that in fact, he is the real owner of the property. The Court
below has rejected this application.

It is admitted fact that the question of title which is
being raised by the present petitioner against the plaintiff of the
eviction suit cannot be decided in the present eviction suit and for
deciding the issue relating to relationship of landlord and tenant
between the respondent No.1 with respondent No.2, the presence

of the petitioner is not at all necessary. In other words, the petitioner is not a necessary party, therefore, the learned Court below has rightly rejected the application and thus, no case for interference is made out.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--