

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5901 of 2015

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Kyasts Pathshala

.... Petitioner/s

Versus

Nirmal Kumar Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivek Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-03-2016

Heard learned counsel Mr. Vivek Prasad for the petitioner.

By the impugned order dated 17.09.2014 the learned Munsif-II, Sitamarhi rejected the application filed by the petitioner under Order I Rule 10(2) of the Code of Civil Procedure for being added as party in Eviction Suit No.03 of 2000.

Perused the order passed by the court below. It appears that the petitioner is claiming to be the rightful owner of the property. He has also filed Title Suit No.442 of 2014 wherein the plaintiff and others have been made party.

It is settled principle of law that in eviction suit the question of title cannot be the subject matter and in the present case the intervener is claiming to be the title-holder for which he has filed title suit.

In such view of the matter for deciding the issues

involved in the eviction suit the presence of the petitioner is not at all necessary. In other words he is not a necessary party in eviction suit, therefore, the court below has rightly rejected his application. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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