

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4042 of 2016

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Sanjay Sah @ Sanjay Kumar Sah

.... Petitioner/s

Versus

Tarni Prasad Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-07-2016

Heard learned counsel Mr. Bidhanesh Mishra for the petitioner.

Perused the order dated 14.01.2016 passed by Munsif, Araria in Eviction Suit No.05 of 2000 whereby the court below rejected the application filed by the petitioner for marking khatian as exhibit in the eviction suit.

According to the learned counsel for the petitioner, khatian is being sought to be produced on the ground that in fact the suit property is recorded in the name of the petitioner.

So far this submission of learned counsel is concerned, it is settled principle of law that question of title cannot be decided in eviction suit. The plaintiff has filed the suit under Bihar Building (Lease, Rent and Eviction) Control Act, therefore, first the plaintiff has to prove the relationship of landlord and tenant then the ground raised by the petitioner in the plaint for eviction of

the tenant is to be proved. Further it appears that at the stage of argument the application has been filed. Now, therefore, the court below has rightly rejected the application.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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