

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14273 of 2013**

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Shri Thakur Baba Maheshwar Nath Jee, Through Its Shebait And Manager Anil Kumar Nande Son Of Late Pratap Narayan Nande Resident Of Mohalla - Purani Bazar, Sonar Patti, P.S./Town/District - Muzaffarpur, Bihar.

.... .... Petitioner/s

Versus

1. Jai Prakash Narain Gupta Son of Late Bhola Prasad Gupta Residence of Mohalla - Purani Bazar, P.S. - Town Thana and Post / District - Muzaffarpur, Bihar.
2. Sri Chandra Prakash Gupta Son Of Late Bhola Prasad Gupta Residence Of Mohalla - Purani Bazar, P.S. - Town Thana And Post / District - Muzaffarpur, Bihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Binay kumar singh, Adv.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**

**ORAL JUDGMENT**

**Date: 01-12-2016**

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has refused to allow the prayer of the plaintiff-petitioner to incorporate the relief for recovery of possession on the basis of the title.

The suit has been filed for eviction against the defendants under the provisions of the Bihar Building (Lease, Rent and Eviction) Control Act 1982. The defendant-tenant denied the relationship of landlord and tenant. Thereafter the plaintiff filed the amendment petition for incorporating the relief for recovery of possession over the suit property on the basis of title. The Apex Court in the case of



**Tribhuvanshankar Vs. Amrutlal, 2014 (2) SCC 788** has clearly laid down that in a suit for eviction, the question of title cannot be considered for the purpose of granting the relief to the plaintiff.

In view of the aforesaid dictum, this Court does not find that the learned court below has committed any illegality or material irregularity in refusing the prayer as made by the plaintiff.

The application is, accordingly, dismissed.

**(V. Nath, J)**

Devendra/-

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