

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.389 of 2016**

Prabhawati Devi

.... .... Appellant/s

Versus

Dr. Rajendra Prasad & Ors

.... .... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Patanjali Rishi

For the Respondent/s : Mr.

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

2 22-08-2016

Heard Mr. Patanjali Rishi, learned counsel for the petitioner, peruse the impugned order dated 13.04.2016, passed by Munsif Sadar, Motihari East Champaran for Eviction Suit No. 14 of 2009.

It appears that Eviction Suit was filed by the plaintiff/respondent against the present petitioner and her husband. Written statement was filed admitting the relationship of land lord and tenant. Thereafter husband of the petitioner died. Now application has been filed by the present petitioner that the plaintiff may be directed to convert the Eviction Suit to regular title suit. The court below has rejected the said prayer by the impugned order.

It is admitted fact that in the written statement the petitioner and her husband earlier admitted the relationship of land lord and tenant between the plaintiff and petitioner and more over

the petitioner has got no role to play in the matter as to whether the plaintiff will convert the suit or not. Therefore, the learned court below has rightly rejected the application filed by the petitioner.

Accordingly, this Civil Miscellaneous Application is dismissed.

siddharth/-

**(Mungeshwar Sahoo, J)**

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