

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9323 of 2015

=====

Hiralal Mistry

.... Petitioner/s

Versus

Smt. Sakuntala Devi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 03-05-2016

Heard learned counsel, Mr. Ram Sevak Choudhary,
appearing for the petitioner.

2. By the order dated 15.05.2015, the learned Judicial Magistrate, 1st Class –cum- Additional Munsif, III, Munger rejected the application filed by the defendant-petitioner for conversion of the Eviction Suit No. 14 of 1999 to a regular title suit and decide the complicated question of title in the suit.

3. The plaintiff-respondent filed the eviction suit for eviction of the defendant-petitioner. The question to be decided in the eviction suit is whether there is relationship of land lord and the tenant between the parties or not. If this finding is recorded in favour of the plaintiff, the plaintiff will succeed otherwise the suit will be dismissed but it is not the law if the question of title is raised by the defendant, the eviction suit should be converted to regular title suit. The defendant has got no role to play nor he can

dictate the plaintiff to institute a particular nature of suit against him.

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

(Mungeshwar Sahoo, J)

brajesh/-

U			
---	--	--	--