

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11807 of 2015

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Ritesh Kumar Gupta

.... Petitioner/s

Versus

Sri Hari Narain Sah & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Prasad Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 17-05-2016 Heard the learned counsel, Mr. Bhupendra Narayan Sinha,
for the petitioner.

The Court below by order dated 18.06.2015 passed by
Munsif Ist Patna in Eviction Suit No.470 of 2014 rejected the
intervention application filed by the petitioner.

It appears that the petitioner filed intervention application
on the ground that he is adopted son of the plaintiff and is residing
in the suit premises.

It is not the case of the petitioner that he is a tenant of the
suit premises. He is claiming interest in the property on the basis
of adoption. So far this question is concerned, it cannot be
decided in eviction suit. The plaintiff has filed the suit against the
tenant for eviction of the tenant. In the suit, the question to be
decided is whether there is relationship of landlord and tenant
between the original parties whether plaintiff has been able to

prove to any ground under Section 11 of the Bihar Building (Lease, Rent and Eviction) Control Act for the eviction of the tenant.

So far the question of adoption or title is concerned, the same cannot be decided in eviction suit, therefore, the presence of the petitioner is not at all necessary for deciding the issue involved in the eviction suit. In such view of the matter, the Court below has rightly rejected the intervention application.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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