

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13037 of 2015

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1. Md. Sharif Son of late Md. Hanif Mian resident of Mohalla- Gareria khand, Sekhalamchak, P.o & P.s Jehanabad, District Jehanabad

.... Petitioner/s

Versus

1. Dropati Devi W/o Late mahant Jay Prakash Das Resident of Mohalla- Chhoti Sangat , Near Sabji Market ,P.o & P.s Jehanabad, District Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioner.

By the impugned order dated 20.05.2015, the learned Munsif, Jehanabad in Eviction Suit No. 08 of 2000, rejected the application filed by the defendant-tenant-petitioner to call for the letters mentioned in the application/order sheet from the office of Bihar State Religious Trust Board, Patna (for short the 'Board'). Copies of the said letters have been annexed with the present application under Article 227 of the Constitution of India.

It appears that the plaintiff-respondent filed aforesaid eviction suit against the present defendant-petitioner for eviction of the petitioner from the suit premises. The petitioner filed contesting written statement and then the application was filed by the petitioner to call for all the letters mentioned therein from the officer of Bihar State Religious Trust Board, Patna to prove the

fact that, in fact, the plaintiff is not the Mahant rather Bihar State Religious Trust Board, Patna is the owner of the suit property and by the impugned order, the court below has rejected the same.

The learned counsel for the petitioner submitted that the plaintiff is not the owner and in support of this fact, the petitioner filed the application but the court below rejected the same erroneously.

Perused the order passed by the court below. From perusal of the order, it appears that the court below found that the petitioner admitted that he is the tenant in the suit premises. So far the question raised by the learned counsel for the petitioner that the Board is the owner of the suit property is concerned, it may be mentioned here that while deciding the eviction suit, only relationship of landlord and tenant is to be seen. The adjudication of title is a foreign question, particularly, when Bihar State Religious Trust Board, Patna is not a party in the present suit nor the said Board is pressing for eviction of the petitioner.

In such view of the matter, the court below has rightly rejected the said application finding that the letters are not relevant in this present suit. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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