

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11783 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 learned Munsif Ist, Patna by order dated 18.06.2015 rejected the intervention application filed by the petitioner in Eviction Suit No.469 of 2014.

It appear that the aforesaid eviction suit has been filed by respondent No.1 against the respondent No.2 under Bihar Building (Lease, Rent and Eviction) Control Act. The present petitioner filed application for being added as party on the ground that he is the adopted son of the plaintiff respondent No.1 and is residing in the suit premises not as tenant rather as adopted son of the plaintiff. Therefore, he is vitally interested in the property and in the suit also. The Court below held that since this is a eviction suit, the question to be decided is whether there is relationship of

landlord and tenant between the parties. The question raised by the petitioner that his adopted son or he is in occupation of the part of the suit premises is concerned, it is entirely a foreign matter. Neither the question of adoption nor the question of title can be gone into in eviction suit. Reference may be made to the decision of the Hon'ble Supreme Court reported in *AIR 2002 SC 136*.

The plaintiff is not claiming that the intervener petitioner is his tenant. Nor he has filed the suit for eviction of the petitioner. Therefore, the learned Court below has rightly rejected the intervention application.

Thus, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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