

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12488 of 2015

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Kayasts Pathshala

.... Petitioner/s

Versus

Dr. Nirmal Kumar Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivek Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-05-2016

The learned counsel for the petitioner submitted that the Court below has erroneously rejected the intervention application in Eviction Suit No.7 of 2000 although, the petitioner is the owner of the property.

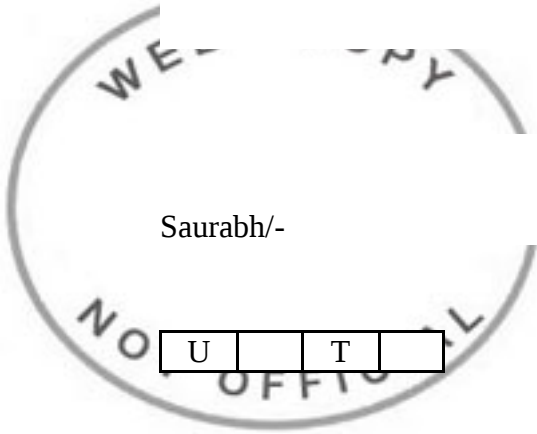
According to the decision of the Supreme Court, AIR 2002 Supreme Court 136, the question of title is foreign question, so far eviction under B.B.C. Act is concerned.

In the present case, the eviction suit has been filed by the plaintiff against the defendant alleging that the defendant is the tenant of the plaintiff. Now, therefore, for deciding the question of relationship between the plaintiff and defendant, the presence of the petitioner who is claiming to be the owner of the property is not necessary and, therefore, the Court below has rightly rejected the intervention application.

Therefore, in my opinion, it is not a fit case for

interference in exercise of supervisory jurisdiction.

Accordingly, this writ application is dismissed.



Saurabh/-

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(Mungeshwar Sahoo, J)