

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21731 of 2014

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Arbind Kumar Prasad

.... Petitioner/s

Versus

Shri Sharda Nand Prasad Sinha & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jee

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-01-2016 Heard the learned counsel, Mr. Gopal Jee for the
petitioner and the learned counsel for the respondents.

By the impugned order dated 17.09.2014, the learned
Sub Judge I, Patna City in Title Eviction Suit No.3 of 2014
rejected the application filed by the defendant No.1-petitioner for
deleting his name and second application for deciding
maintainability of the suit as preliminary issue.

It appears that the plaintiffs-respondents filed suit for
eviction under the B.B.C. Act against the defendant No.1-
petitioner and the other defendants-respondents alleging that the
defendant No.1 is the tenant under the plaintiff. The defendant
No.1 filed the application alleging that there is no relationship of
landlord and tenant between the parties and that the suit is not
maintainable. The Court below by the impugned order has rejected
the said applications on the ground that these questions raised by

the petitioner is a matter that can be decided only after evidence is adduced by the parties.

In view of the above observation of the Court below, at this stage, the order cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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