

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6525 of 2011

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Dayanand Mahto S/O Late Moti Mahto R/O Mohalla- Patel Nagar, Road No. 3,
Police Station- Shastrinagar, District- Patna

.... Petitioners.

Versus

1. The State Of Bihar Through The District Magistrate, Patna
2. Smt. Sunaina Devi W/O Late Tarkeshwar Prasad Sinha R/O Village- Hamzapur,
Police Station- Dharhara, Post Office- Shiv Kund, District- Munger, At Present
Residing At Mohalla- Patel Nagar, Road No.3, Post Office & Police Station-
Shastrinagar, Town & District- Patna
3. Rajesh Kumar S/O Tarkeshwar Prasad Sinha R/O Village- Hamzapur, Police
Station- Dharhara, Post Office- Shiv Kund, District- Munger, At Present Residing
At Mohalla- Patel Nagar, Road No.3, Post Office & Police Station- Shastrinagar,
Town & District- Patna
4. Bagesh Kumar S/O Late Tarkeshwar Prasad Sinha R/O Village- Hamzapur,
Police Station- Dharhara, Post Office- Shiv Kund, District- Munger, At Present
Residing At Mohalla- Patel Nagar, Road No.3, Post Office & Police Station-
Shastrinagar, Town & District- Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
Mr. Anjani Kumar Sinha, Adv.

For the Respondent Nos.2 & 4: Mr.Aditya Narayan Singh- I, Adv.
For Respondent State of Bihar: A.C.to A.A.G.15.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 12-01-2017

Heard the learned counsel for the parties.

The legal sustainability of the impugned order
by which the learned court below has turned down the prayer of the
defendant-petitioner to implead some persons as party defendant in
the suit, has been questioned in the present application under Article
227 of the Constitution of India.

The matrix of facts discloses that the suit for



eviction has been filed against the present petitioner seeking his eviction from the suit premises. During the pendency of the suit, the present petitioner filed a petition that the daughters of the plaintiff were required to be added as party defendant in the suit. The learned court below has rejected the said prayer by the impugned order.

After considering the submissions and perusal of the impugned order, this Court is not inclined to interfere in the impugned order under Article 227 of the Constitution of India, as the prayer of the petitioner who is defendant in the eviction suit to implead some more persons being daughters of the plaintiff as party cannot be legally entertained.

The application is , accordingly, dismissed.

The learned court below, however, is directed to expeditiously dispose of the suit in accordance with law.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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