

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 23 of 2017

Smt. Rani Mangalmoti Davi Singh, Wd/o. Late Raja Lalit Kumar Singh, Aged About 87 Years, R/o. Raigarh House, House No. 520 Narsing Ward Near Madan Mahal Station Jabalpur, Tah. & Distt. Jabalpur (C.G.) Through: Power Of Attorney Holder Of Power Of Attorney:- Pratap Bahaddur Singh, S/o. Vikaram Bahaddur Singh, Aged About 35 Year, R/o. Village Kotara, Tah. & Distt. Raigarh (C.G.)

---- **Petitioner**

Versus

1. Murlidhar Gupta, S/o. Bhagirathi Gupta, Aged About 57 Years, R/o. Chhote Atarmuda, Raigarh, Tah. & Distt. Raigarh, (C.G.)
2. Madhoram and Sons, Registered Partnership Firm, Through: Santosh Kumar Gupta, S/o. Late Madhoram Gupta, Aged About 67 Years, R/o. Handi Chook Raigarh (C.G.), Shop Madhoram & Sons Subhash Chook Raigarh, Tah. & Distt. Raigarh (C.G.)

---- **Respondents**

For Petitioner : Mr. V.R.Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.01.2017

1. Learned counsel for the petitioner submits that the respondent No.1 Murlidhar Gupta had filed a suit for eviction against the respondent No.2 Madhoram and sons. It is submitted that during enquiry, it revealed that in-fact the ownership of the land do not vest with the plaintiff Murlidhar Gupta, however, it vests with the petitioner Rani Mangalmoti Devi Singh, Wd/o. Late Raja Lalit Kumar Singh and if the ownership is decided in the eviction suit, then it will lead to multiplicity of the proceedings; therefore, the petitioner may be allowed to be arrayed as defendant in the said suit. It is further submitted that the application was filed and the same was dismissed by an order dated 09.12.2016.
2. Perused the order dated 09.12.2016. The order would show that the plaintiff, who is respondent No.1 herein, had filed a civil suit

against Madhoram and sons for eviction and in that civil suit, the petitioner claimed herself to be the owner and wanted to become a party. It is a trite law that the plaintiff is dominus litus, if the ownership do not belong to Murlidhar Gupta then in such eventuality, the Court may pass an appropriate order while hearing the ejectment suit. It is always open for the petitioner to file a suit to her choice, if so advised, for eviction or otherwise.

3. Accordingly, the petition is dismissed at the admission stage itself with such liberty that the petitioner may choose to file an appropriate proceeding, if so advised.

Ashok

Sd/-
(Goutam Bhaduri)
Judge