

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.360 of 2018

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Rupak Kumar Agrawal & Anr

.... Appellant/s

Versus

Smt. Sita Devi Dokania & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. T. N. Matin, Sr. advocate
Mr. Rajeev Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 21-06-2018

Heard the learned senior counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against the order dated 16.01.2018 passed in Title Eviction Suit No. 10 of 2011 by which the petition of the petitioners filed under Order 1 Rule 10 sub rule 2 of the C.P.C for being impleaded as defendants in the suit has been dismissed.

Mr. T. N. Matin, the learned senior counsel for the petitioners, submits that plaintiff filed the suit against the tenant on the ground of subletting the suit premises and in this view of the fact the sub-tenant inducted by the original tenant is also a necessary party but the learned court below has committed jurisdictional error by rejecting the petition of the petitioners for being impleaded as defendants in the suit.

It appears from perusal of Section 11 of Bihar



Building (Lease, Rent and Eviction) Control Act that the landlord can file suit for eviction for breach of the conditions, of the tenancy, or for subletting the building or any portion thereof without the consent of the landlord, or if he is an employee of the landlord occupying as an employee, on his ceasing to be in such employment. The landlord is entitled to file suit, besides other grounds, on the ground that his original tenant has illegally sublet the premises. In such a case I find that the so-called sub-tenant is not a necessary party to contest the suit.

Therefore, I do not find any reason to interfere in the order impugned. This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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