

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.472 of 2018

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1. Kumar Gaurav, Son of Late Sakaldev Mahto, Resident of Village- Vishnupur, P.O.- Mirzapur, Banduar, P.S.- Town, District- Begusarai.
2. Jitendra Kumar Ram @ Jitendra Ram, S/o Ram Kishun Ram, resident of village- Mirganj, P.S.- Town, Distt.- Begusarai.

.... Petitioner/s

Versus

1. Gopal Kumar Gupta, Son of Late Ram Kishun Gupta,
2. Chandrma Gupta, Wife of Gopal Kumar Gupta, Both resident of village- Nauranga, Patel Chowk, P.S. Town, District- Begusarai.
3. Gopal Jaiswal, S/o Ganesh Prasad Jaiswal, Resident of village- Nauranga, Patel Chowk, P.S.- Town, District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Randhir Kumar No-1
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioners.

Petitioners wanted to intervene in Title Eviction Suit No.320 of 2013 and the petitioners have filed this civil miscellaneous petition against the order dated 18.05.2017 passed in Title Eviction Suit No.320 of 2013 by Sub Judge III, Begusarai by which the learned Sub Judge dismissed the petition of the petitioners filed under Order I Rule 10(a) C.P.C. for impleading them as defendants.

Learned counsel for the petitioners submits that the plaintiff filed the suit for eviction against Gopal Jaiswal. Gopal Jaiswal denied the relationship of landlord and tenant between



himself and the plaintiff and admitted that he was the tenant of Ramdeo Ram who died leaving behind his sons and daughters. The petitioners are purchasers from Ramdeo Ram and filed petition for being impleaded in the case but the learned Sub Judge has illegally rejected the petition of the petitioners for their impleadment but I do not find any substance in the submission of the learned counsel for the petitioners simply because the plaintiff filed the suit against Gopal Jaiswal. The onus is on the plaintiff to prove the relationship of landlord and tenant between the plaintiff and the defendant. Of course, the defendant denied the relationship of landlord and tenant but the defendant admitted that he is the tenant of Ramdeo Ram. In the suit for eviction, the plaintiff has to prove the relationship of landlord and tenant and the title of the party cannot be decided in a suit for eviction. Accordingly, I find that the learned Sub Judge has rightly dismissed the petition of the petitioners filed for being impleaded as defendants in the eviction suit.

In the result, this civil miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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