

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18927 of 2013

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1. Anil Sharma Son Of Suryadeo Singh Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali
 2. Sunil Sharma Son Of Suryadeo Singh Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali

.... Petitioners

Versus

1. Raj Narayan Sah Son Of Late Ram Yugal Sah Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali
2. Shiv Shankar Sah Son Of Late Ram Yugal Sah Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali
3. Brijkishore Sah Son Of Late Ram Yugal Sah Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali
4. Pradip Paswan Son Of Raj Kumar Bhagat Resident Of Village- Imampatti Madaripur Alias Daud Nagar, P.O.- Chakdo, Police Station- Bidupur, District- Vaishali

.... Respondents

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Appearance :

For the Petitioners : Mr. Jitendra Kumar, Advocate

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-01-2018 This application has been filed to quash the order dated 09.07.2013 passed by Additional Munsif-II, Vaishali at Hajipur in Eviction Suit No.01 of 2009 whereby and whereunder the prayer of the petitioners for impleading them as party to the suit under the provision of Order 1 Rule 10 of the CPC was rejected.

2. Heard learned counsel for the petitioners as well as the respondents.

3. The respondents Ist set claim the suit property by virtue of two registered sale deed dated 17.02.1990 which was



executed by the father of these petitioners. The petitioners filed a title suit no.76 of 1998 for cancellation of both the sale deeds. The said title suit is presently pending before the court of Sub Judge-VII, Vaishali at Hajipur. The respondents second set appeared in the eviction suit no.01 of 2009 and denied the relationship of landlord and tenant. The respondent second set however asserted that the present petitioners were his landlord and he was paying rent to them. These petitioners by filing petition under Order 1 Rule 10 prayed to implead them as party to the suit claiming their own right and title. The learned court below as per impugned order refused to implead them as party to the suit observing that the eviction suit of plaintiff has to be decided on the basis of relationship of landlord or tenant. The plaintiff of eviction suit has purchased the suit property from the father of the petitioners for which the petitioners have already filed a suit for cancellation of sale deed.

4. In view of above, the court below has not committed any illegality in refusing to implead the petitioners as party to the suit. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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