

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.251 of 2018

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Prem Kumar Gupta Son of Late Mishri Lal Gupta, Resident of 4, Sahebganj,
Town Chapra, Anchal- Sadar Chapra, District- Saran at Chapra, Presently
residing at New Market, P.S.- Town Thana, District- Saran. Petitioner/s
Versus

1. Sri Baijnath Prasad and Ors Son of Late Yamuna Prasad,
2. Draupdi Devi, Wife of Baijnath Prasad,
3. Nitesh Kumar, Son of Sri Baijnath Prasad,
4. Sweta Gyanesh, Wife of Nitesh Kumar, All resident of Mohalla- Sahebganj,
P.S.- Town Thana, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2022

Heard learned counsel for the parties.

2. The petitioner is aggrieved by order dated 05.01.2018 by which the learned trial court has rejected the application filed by the petitioner/tenant in a suit for eviction for impleading erstwhile landlord as party.

3. Learned counsel for the petitioner submits that the petitioner is the tenant in Eviction Suit No. 03/2012 filed by the plaintiff claiming himself as a purchaser of the suit property which is a shop in which the petitioner/tenant was inducted as a tenant by the erstwhile owner i.e., the vendor of the plaintiff.

4. Learned counsel next submits that a petition under Order 1 Rule 10 (2) filed for impleading the erstwhile owner as party/defendant in the suit has been rejected. He assails the order on the ground that the erstwhile owner had taken advance



from the petitioner for sale of the suit property. Accordingly, he is a necessary party.

5. On the other hand, learned counsel appearing for respondent/landlord submits that the learned court below has rightly rejected the application for impleadment of the previous owner as party in the suit inasmuch as the present suit is a suit for eviction in which relationship of landlord and tenant is already there and the petitioner/defendant has not denied the relationship between the parties and has paid the rent through money-order to the landlord/respondent also. The question of title cannot be decided in a suit for eviction.

6. Having heard learned counsel for the parties and taking into consideration the fact that the defendant/tenant has accepted the relationship of landlord and tenant between the parties, I am of the considered opinion that the learned court below has rightly rejected the application for impleading the erstwhile owner i.e., the vendor of the plaintiff as party in the present eviction suit.

7. Accordingly, the instant application stands rejected.

(Anil Kumar Sinha, J)

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