

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.324 of 2020**

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Arya @ Janardan Kumar @ Janardan Prasad Gupta @ Janardan Kumar Gupta
@ Janardan Kumar Arya Son of Late Mahendra Prasad Resident of Mohalla-
Bangali Tola, Ward No. 25, Police Station- Samastipur (Town), District-
Samastipur.

... .. Petitioner/s

Versus

Rajesh Kumar Sinha Son of Late Kamleshwari Prasad Sinha Resident of
Mohalla- Mulchand Road, Ward No. 21, Police Station- Samastipur (Town),
District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar No.1
For the Respondent/s : Mr.Gyan Prakash

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER
ORAL

Date : 11-07-2022

Heard learned Counsel for the parties concerned.

2. The petitioner, being a tenant, is aggrieved by an order, dated 26.11.2019, passed, by learned Civil Judge, Junior Division 1st, Samastipur, in Eviction Suit No. 05 of 2017, by which the amendment petition filed by the plaintiff-landlord (respondent herein) has been allowed and the brother of the petitioner-defendant has been impleaded as party-defendant no. 2 in the eviction suit.

3. Learned Counsel for the petitioner-tenant submits that the petitioner was inducted as a tenant by the plaintiff-landlord in one of the three shops only and the other two shops, which have



been made subject matter of the eviction suit, were given in tenancy to his brother, Gautam Kumar, who has been impleaded as party-defendant no. 2 by the amendment. As such, learned Counsel submits that two separate reliefs cannot be claimed in one suit inasmuch as respondent-landlord sought to evict the petitioner-tenant as well as his brother from the three shops let out to them separately. Accordingly, the submission is that the impugned order is not sustainable in law.

4. On the other hand, learned Counsel for the respondent-landlord submits that it is the specific case of the plaintiff-landlord that three shops were given in tenancy to the petitioner-defendant and his brother has been running the shop in the tenanted premises with the defendant, i.e. the petitioner, and as an abundant precaution and in order to prevent the unnecessary complication in the suit, a petition for impleadment of brother of the petitioner has been filed.

5. Having heard learned Counsel for the parties and taking into consideration the materials available on record, it appears that both the parties have made claim and counter claim in their respective pleadings, which will be decided in course of trial and allowing the brother of the petitioner to be added as party-defendant no. 2 in the eviction suit will not cause any prejudice to



the defendant-petitioner. The learned Court below, in the interest of justice and in order to prevent multiplicity of litigation, rightly allowed the amendment petition for addition of the brother of the petitioner as party-defendant no. 2 in the suit.

6. Accordingly, I do not find any material irregularity and/or jurisdiction error in the impugned order.
7. This application is, accordingly, dismissed.
8. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

