

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1697 of 2018**

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Bibi Bilkish Sultana @ Bilikish Sultana d/o Late Abdul Rahim, W/o Md. Ghulam Imam R/o Mohalla Rekabgunj P.S. - Kotwali, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary of Law Department Patna
2. Registrar Bhagalpur Civil Court
3. Wasim Ahmad, s/o Late Dr. Abdur Rahim, R/o Mohalla Mojahidpur West Hossainpur lane P.S. - Mojahidpur District – Bhagalupar (Private Respondent).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Ajay Shankar Rajoo
For the Respondent/s : Mr.Prashant Pratap- Gp2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-10-2022

I.A. No. 1 / 2022

The present I.A. No. 1 of 2022 has been filed for expunging the name of sole petitioner- Bibi Bilkish Sultana @ Bilikish Sultana and substituting the names of her legal heirs, whose details are mentioned in paragraph – 3 of the petition.

Learned counsel for the petitioner submits that the sole petitioner- Bibi Bilkish Sultana @ Bilikish Sultana has died on 10-09-2020 during pendency of this civil miscellaneous application.

Taking into consideration the submissions made by the learned counsel for the petitioner and the nature of prayer made in the interlocutory application, the same is allowed.



Accordingly, the name of the sole petitioner is directed to be expunged from the array of parties and in her place her legal heirs, whose details are mentioned in paragraph- 3 are substituted.

A *vakalatnama* has been filed on behalf of the proposed legal heirs.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner is the owner of the suit premises but a third person has filed the Eviction Suit No. 01 / 2016 against the tenant of the erstwhile petitioner. He further submits that the erstwhile petitioner is the *khatiyani* owner of the suit property, and as such, the erstwhile petitioner filed a petition for addition of parties in the eviction suit filed by the respondent no. 3 for impleadment as defendant in the suit. The learned trial court after taking into consideration the fact that in a suit for eviction third party claiming title with respect to the suit property cannot be permitted to be impleaded in view of the law laid down by this Court and the Hon'ble Supreme Court in this regard came to the conclusion that in a suit for eviction the relationship of landlord and tenant between the parties is to be seen and there is no scope for the intervenor -petitioner to claim her independent



title in the suit for eviction filed by third person.

I fully agree with the conclusions arrived at by
learned trial court.

I do not find any merit in this petition.

Accordingly, the civil miscellaneous application
stands dismissed.

(Anil Kumar Sinha, J)

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