

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1785 of 2017

1. Vimal Bahadur
2. Kamal Bahadur Both Sons of Late Raghuraj Bahadur Resident of Mo. Shahjuma, Sherganj, Sasaram, Po and PS-Sasaram, District-Rohtas

... .. Petitioner/s

Versus

1. Jagarnarain Singh, Son of Late Ram Janam Singh
2. Smt. Savitri Devi Wife of Sri Jaganarayan Singh
3. Manoj Kumar Singh Son of sri Jaganarayan Singh
4. Pramod Kumar Singh, Son of sri Jaganarayan Singh
5. Sujeet Kumar Singh, Son of sri Jaganarayan Singh
6. Arun Kumar Singh, Son of sri Jaganarayan Singh all 1 to 6 are residents of Mo-Khilanganj, Po-Sasaram, Ps-Sasaram Town, District-Rohtas.
7. Abhay Chandra Mishra, Son of Anand Mishra Reisdent of Mo-Patan Gali, PO-Sasaram, PS-Sasaram Town District Rohtas at Present Readymade Shop, Meena Bazar, Company Sarai, Sasaram, District-Rohtas
8. Kapil Singh, Son of Banshropan Singh, Resident of Village-Dhanpurwa, PS-Sasaram District-Rohtas at Present Readymade Shop, Meena Bazar Company Saral, Sasaram, District-Rohtas
9. Krishna Singh, Son of Laxman Singh, R/o Village-Dhuwan, PS-Sasaram, District-Rohtas, at Present Meena Bazar Company Sarai, Sasaram, District-Rohtas
10. Surendra Sah, S/o Late Neema Sah, Resident of Mo-Company Sarai, Sasaram.Rohtas at Present Cloth Shop, Meena Bazar Company Sarai, Sasaram, Rohtas
11. Sunil Prasad S/o Chhote Lal Prasad, Resident of Mo-Madarasa Road, Sasaram at Present Hardware Shop, Meena Bazar Company Sarai, Sasaram, Rohtas
12. Mahendra Sah, Son of Mohan Sah, Resident of Mo-Company Sarai, Sasaram.Rohtas at Present Readymade Shop, Meena Bazar Company Sarai, Sasaram, Rohtas
13. Mohan Prasad Son of Late Neema sah, Resident of Mo-Company Sarai, Sasaram.Rohtas at Present Cloth Shop, Meena Bazar Company Sarai, Sasaram, Rohtas
14. Banarsi Prasad, Son of Late Vishwanath Prasad Resident of Mo-Kabir Ganj, Sasaram District-Rohtas at Present Cloth Shop. Meena Bazar Company Sarai, Sasaram, District-Rohts.
15. Radheshyam Sah, Son of Neema Sah Resident of Mo-Company Sarai, Sasaram.Rohtas at Present Cloth Shop, Meena Bazar Company Sarai, Sasaram, Rohtas
16. Ram Chandra sah,



17. Dharmendra Sah,
18. sanjay Kumar, all 16 to 18 are Sons of Late shankar Prasad sahu, Resident of Village-Karpurwa, PS-Sasaram District Rohtas at Present Cloth Shop, Meena Bazar, Company Sarai, Sasaram, District-Rohtas
19. Suresh Singh, Son of Dukhi Mahto, Resident of Mo-Company Sarai, Sasaram.District-Rohtas at Present Churi Shop, Meena Bazar Company Sarai, Sasaram, District-Rohtas

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-03-2025 The petitioners are aggrieved by the order dated 09.08.2017 passed in Eviction Suit No. 769 of 2014, by learned Sub-Judge-IV, Rohtas at Sasaram whereby and whereunder the application filed by the petitioners under Order 1 Rule 10(2) of the Code of Civil Procedure has been rejected.

2. Learned counsel for the petitioners submits that the plaintiffs of the eviction suit have already instituted Title Suit No. 230 of 2006 against the intervenors with respect to the suit premises and thereafter they filed the Eviction Suit No. 769 of 2014 against the tenants of the petitioners. The plaintiffs are not the landlord nor they are having any right, title and interest over the suit property. However, the learned trial court did not consider these facts and rejected the petition filed on behalf of the intervenors/ petitioners.

3. Having regard to the facts of the case, I am not



inclined to interfere with the impugned order since in the eviction suit, the issue before the learned trial court is whether there exists a landlord tenant relationship between the parties and there is hardly any scope for the intervenors/petitioners to intervene in the said matter. Moreover, when a title suit is already pending before the parties, that is, the plaintiffs/respondents and the intervenors, all issues could be raised and decided by the said court.

4. At this stage, learned counsel for the petitioners seeks permission to withdraw the present petition while seeking liberty to move before the appropriate forum for taking of both Title Suit No. 230 of 2006 as well as Eviction Suit No. 769 of 2014 for hearing and disposal together.

5. Having regard to the submissions made on behalf of the petitioners, the present petition is dismissed as withdrawn.

6. Petitioners can exercise their option of seeking trial and disposal of Title Suit No. 230 of 2006 and Eviction Suit No. 769 of 2014 together, in accordance with law.

(Arun Kumar Jha, J)

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