

(2013) 12 RAJ CK 0014

Rajasthan High Court

Case No: Civil Writ Petition No. 10833/2013

Jamna Das

APPELLANT

Vs

Sanwar Mal

RESPONDENT

Date of Decision: Dec. 6, 2013

Citation: (2014) 2 WLN 246

Hon'ble Judges: Arun Kumar Mishra, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Arun Bhansali, J.

This writ petition is directed against the order dt. 23.05.2013 passed by the trial Court, whereby the application filed by the petitioner under Order I, Rule 10 CPC has been rejected. The petitioner filed an application seeking impleadment as party in the suit filed by Sanwar Mal against Bhanwar Lal for eviction from the suit property claiming himself to be the landlord of the suit property. The application was filed by the petitioner claiming ownership rights in the suit property and therefore, impleadment as party to the said suit.

2. The trial Court by the impugned order came to the conclusion that the issue inter-se petitioner and Sanwar Mal cannot be examined in an eviction suit and consequently, rejected the said application.

3. The order passed by the trial Court is eminently just and proper in the facts and circumstances of the case as it is well settled that issue as to ownership of the suit property in an eviction suit is wholly alien. Consequently, there is no substance in the writ petition, the same is, therefore, dismissed. The stay application is also dismissed.