

Ej. Suit No. 6764 of 2014

Order No. 31

05.02.2018

Both parties present by filing hazira.

Record is taken up for passing order.

This is an application u/o-1, rule-10 r/w section 151 of C.P.C. filed by M/s Belseri Tea Company India Private Limited on 08.08.2016.

It appears from the petition that the petitioner is admittedly a sub-tenant of the defendant and has prayed for adding the petitioner as a defendant/party in the present suit.

The plaintiff contested the application by filing written objection in which he denied all the material allegations made in the petition. The plaintiff denied that he consented to the defendant for creation of sub-tenancy in respect of M/s Belseri Tea Company India Private Limited. The further case of the plaintiff is that admittedly Sri Jayantilal Ji Patel is the is the President of plaintiff Samaj being a registered society and that it is astonishing that Rabindra M. Patel who has described himself as Director of Applicant Company is taking undue advantage and being a member of the plaintiff Samaj, he is acting to the detriment of the interest of the plaintiff. The plaintiff has thus prayed for rejection of the petition with cost.

In the present facts and circumstances of the case, it appears that admittedly the applicant namely M/s Belseri Tea Company India Private Limited is a sub-tenant and not a tenant under the plaintiff samaj. The present suit has been filed for eviction of the defendant/tenant from the suit schedule property taking one of the grounds for eviction as subletting by the defendant. It necessarily follows that making the applicant M/s Belseri Tea Company India Private Limited as a party to the present suit at this stage would damage the entire cause of action of the plaintiff for filing the present suit.

In such circumstances, I consider that the instant petition need be rejected.

Hence, it is,

O R D E R E D,

That the application u/o-1, rule-10 r/w section 151 of C.P.C. filed by M/s Belseri Tea Company India Private Limited on 08.08.2016 is hereby rejected on contest.

Fix..... for framing of issues.

Dictated and corrected by me:

Sd/- Smt. Shrutirupa Ghosh

Judge

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Judge, 3rd Bench.