

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16017 of 2011

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Shailendra Moahn Singh @ Srighunath Singh, s/o Late Chandrika Prasad Singh, resident of flat no. 404, Mundeshwari Sibhu Tower, Srikrishna Nagar, P.O. G.P.O., P.S. Budha Colony, district Patna

.... (defendant) Petitioner/s

Versus

Sri Bijay Kumar Roy, s/o late Surendra Roy, resident of Shankar Bhawan, Srikrishna nagar, p.O G.P.O., P.S. Budha Colony, district Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Bhan Singh

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-08-2015

Heard learned counsel for the petitioner.

The petitioner, who is tenant/ defendant has approached this court with a prayer to set aside the order dated 14.7.2011 passed by learned Sub Judge 1st, Patna, in Eviction Suit No. 51 of 2010. The plaintiff /respondent had filed a suit for eviction of the suit premises on the ground of personal necessity. During the pendency of the suit a petition was filed by the plaintiff/ respondent under Section 15 of the Bihar Building (Lease, Rent & Eviction) Control Act, 1982 for a direction to the defendant/ petitioner to pay arrear of rent and current rent. Before the court below the petitioner raised an objection that claim made by the plaintiff regarding quantum of rent was not correct. It was pleaded that the defendant /petitioner was paying Rs. 3500/- as rent for flat and Rs. 1000/- for garage. Besides this, he was also

paying maintenance charge. From the order impugned it is evident that the defendant/ petitioner had given two cheques of Rs. 6000/- each against the due rent. The learned court below considered that the rent claimed by the plaintiff /respondent i.e. Rs. 6000/- per month was correct and allowed the petition. Learned counsel for the petitioner tried to persuade the court that quantum of rent has incorrectly been decided by the court below.

Besides hearing, I have also perused the impugned order and the materials available on record. After going through the same, the court is of the considered opinion that the learned Sub Judge 1st Patna, has committed no error in allowing the petition.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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