

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16055 of 2012

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ANIL KUMAR S/O LATE BIDHACHAL PRASAD R/O PROPRIETOR
BHAGIRATH HOTEL P.S. RAXAUL TOWN DIST. E. CHAMPARAN.

.... PETITIONER/S

VERSUS

CHIRANJEE LAL MASKARA S/O RAMESHWAR LAL MASKERA
R/O RAXAUL BAZAR DIST. EAST CHAMPARAN.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Dhannjay Kumar No. 2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

5 09-12-2015

Heard learned counsel for the petitioner.

In spite of appearance of respondent none appears.

Petitioner is aggrieved by an order dated 13.06.2012 passed by Sub-Judge, VIIIth, East Champaran at Motihari in Eviction Suit No.02 of 2006 directing the petitioner to deposit the rental amount identifying the same as Rs.5000/- per month with arrear as disclosed therein.

Inter se relationship is admitted as landlord and tenant. There also happens to be no controversy as status of the petitioner to be inducted as a tenant on monthly rental of Rs.5000/-. It is evident that subsequent to induction as tenant, the parties locked their horns whereupon Rent Fixation Case No.4 of

2006 was filed by the petitioner before SDM, Raxaul, controller wherein rent of the premises has been fixed as Rs.1800/- per month vide order dated 25.07.2007. It is further evident that instant eviction suit has been launched in the year 2006.

As such, the grievance of the petitioner happens to be that he be allowed to deposit the arrear as well as the running rent in tune of Rs.1800/- per month instead of Rs.5000/- as directed by the learned lower court. It has further been submitted that learned lower court knowingly and deliberately failed to incorporate the aforesaid consequences (Annexure-3) whereunder rent has been fixed by the controller after hearing both the parties. It has also been submitted that aforesaid order has not been challenged at the end of landlord up till now.

On account of absence of learned counsel for the respondent, it could not be tested whether Annexure-3 has been appealed or not? Giving a liberty to the learned lower court in case there happens to be any sort of order passed against Annexure-3, an order dated 25.07.2007 passed by the controller, Raxaul, for the present it looks desirable to direct that up till 24.07.2007 petitioner will be under obligation to pay rental amount to a tune of Rs.5000/- per month and since 25.07.2015 he will be entitled to pay Rs.1800/- per month as fixed by the controller.

With the aforesaid modification in the order
impugned, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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