

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1118 of 2016**

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Ranjeet Kumar Shukla

.... Appellant/s

Versus

Govind Prasad Jain

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 21-11-2016

Heard learned counsel, Mr. S.K. Thakur for the
petitioner.

2. Perused the impugned order dated 08.08.2016 passed
by the Sub-Judge, Junior Division,-II, Munger in C.I.S. (Eviction)
Suit No. 01 of 2015, whereby the learned court below directed the
defendant-tenant-petitioner to deposit Rs. 2500/- per month as
monthly rent according to Section 15 of the B.B.C. Act.

3. The grievance of the defendant-petitioner is that he
has denied the relationship of landlord and tenant between the
parties. The brother of the plaintiff is the landlord of the
defendant. The petitioner never paid the rent to the plaintiff but the
learned court below directed the petitioner to pay rent. According
to learned counsel, the petitioner has already filed pre-litigation
suit before the Lok Adalat for specific performance of contract
against the brother of the plaintiff, which has been decreed on

14.05.2012 on compromise.

4. From perusal of the plaint, it appears that the plaintiff clearly stated that the rent @ Rs. 2500/- to be paid from the month of July, 2014 after enhancement but the defendant has not paid the rent. In reply to this statement of the plaintiff, the defendant only denied that he agreed to pay the rent but he has not denied that he never paid rent @ Rs. 2500/- to the brother of the plaintiff. Nowhere either in the reply to the application under Section 15 of the B.B.C. Act or in the written statement, it is pleaded by the defendant that in fact Rs. 2500/- is not the monthly rent fixed in the agreement. So far the compromise decree by Lok Adalat is concerned, it may be mentioned here that still today no sale deed has been executed in favour of the defendant.

5. From perusal of the impugned order, it appears that the court below has considered these aspects of the matter and then passed very good reasoned order. Therefore, no case for interference in exercise of supervisory jurisdiction is made out. Thus, this civil miscellaneous application is dismissed.

Brajesh/-

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(Mungeshwar Sahoo, J)