

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3854 of 2015

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Sita Ram Sharma & Ors

.... Petitioner/s

Versus

Sunil Kumar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdhar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-03-2016 Heard the learned counsel, Mr. Jagdhar Prasad, for the
petitioner.

Perused the impugned passed by the Court below. It appears that in the eviction suit, the plaintiff respondent filed application under Section 15 of the Bihar Building (Lease, Rent & Eviction) Control Act. The Court below considered the Kirayanama which is not in dispute. The rate of rent is also not dispute. The only defence is that the petitioner executed sale deed in favour of the plaintiff respondent with a condition that after repayment of full consideration amount, the property will be re-conveyed to the petitioner.

Admittedly, the alleged agreement to re-convey is in the year 2007. Still today no action has been taken by the petitioner. Since the Court below has considered the Kirayanama and also

considered the relationship of landlord and tenant and rate of rent and allowed application filed by the plaintiff respondent, no case for interference under Article 227 of the Constitution of India is made out.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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