

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14888 of 2013

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1. Ved Prakash Gupta Son Of Late Bishwanath Prasad Gupta Resident Of Village- Naya Bazar, P.O. & P.S.- Lakhisarai District- Lakhisarai
 2. Sarita Devi Wife Of Ved Prakash Gupta Resident Of Village- Naya Bazar, P.O. & P.S.- Lakhisarai District- Lakhisarai

.... Petitioner/s

Versus

1. Shankar Prasad Singh @ Jai Shankar Prasad Son Of Late Bateshwar Singh At Permanent Resident Of Village- Balgudar, P.O. & P.S.- Lakhisarai, District- Lakhisarai. Present Address- Milan Hotel, Near Shaheed Dwar, Purani Bazar, P.O. & P.S.- Lakhisarai, District- Lakhisarai
2. Santu Singh Son Of Late Siya Sharan Singh At Permanent Resident Of Village- Balgudar, P.O. & P.S.- Lakhisarai, District- Lakhisarai. Present Address- Milan Hotel, Near Shaheed Dwar, Purani Bazar, P.O. & P.S.- Lakhisarai, District- Lakhisarai
3. Sanjay Singh Son Of Late Siya Sharan Singh At Permanent Resident Of Village- Balgudar, P.O. & P.S.- Lakhisarai, District- Lakhisarai. Present Address- Milan Hotel, Near Shaheed Dwar, Purani Bazar, P.O. & P.S.- Lakhisarai, District- Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Arun Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-12-2016

Nobody appears on behalf of the petitioners.

Learned counsel for the respondent nos. 2 and 3 has
been heard.



The legal sustainability of the impugned order by which the court below has dismissed the petition filed by the plaintiff under Section 15 of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as the BBC Act) has been questioned in this application under Article 227 of the Constitution of India. It has been submitted by learned counsel for the respondent nos. 2 and 3 that the suit for eviction was filed by the defendants on the ground of personal necessity under Section 14 of the BBC Act. It has been further submitted that the plaintiffs could not produce any evidence establishing the relationship of landlord and tenant and therefore the learned court below has rightly come to the conclusion that the prayer made by the petitioners under Section 15 of BBC Act cannot be allowed. It has also been submitted that the court below has granted liberty to the plaintiffs to file petition at later stage after the examination of handwriting by handwriting expert under Order 6 Rule 10 C.P.C.

After perusal of the impugned order as well as considering the submissions made on behalf of the respondents, it is manifest that the court below has recorded the finding that the plaintiff has failed to establish the relationship of landlord and tenant prima facie in order to be entitled to an order under Section 15 of the BBC Act for payment of arrears of rent and current rent.



This Court further finds that the learned court below has also granted liberty to the plaintiffs to file such petition at later stage.

In view of the aforesaid facts and circumstances of the case, this Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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