

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8389 of 2014

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Sanjay Kumar son of Sri Bidya Nand Prasad Resident of Mohalla - B.M.
Das Road, P.S. - Pirbahore, District - Patna.

.... Petitioner.

Versus

1. Sri Pratap Singh Tandan
2. Sri Dilip Singh
3. Sri Pradeep Singh Tandan All sons of late Amar Singh Resident of
Mohalla - B.M. Das Road, P.S. - Pirbahore, District - Patna.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 01-03-2016

Heard Mr.Naresh Chandra Verma, the learned
counsel for the petitioner.

Questioning the legal sustainability of the
impugned order passed under Section 15 of the B.B.C.Act
directing the defendant-tenant to pay arrears of rent as well as the
current rent @ Rs. 5,000/- per month, the present application
under Article 227 of the Constitution of India has been filed.

The learned counsel for the petitioner has
submitted that the defendant-petitioner has already paid Rs.5 lacs
to the landlord-plaintiff and therefore the petitioner is not liable to
pay any rent to the plaintiff.

No other submission has been made on behalf

of the petitioner.

The suit has been filed for eviction against the defendant-petitioner and during the pendency of the suit the petition under Section 15 of the B.B.C.Act was filed by the plaintiff. There is no specific denial by the defendant-petitioner regarding the assertion made by the petitioner in his petition (Annexure-1) that the monthly rent was Rs.5,000/-. The learned court below has passed the impugned order directing the defendant-petitioner to pay the rent @ Rs.5,000/- and also to pay the arrears of rent from December 2010 up-to-date.

After considering the submissions and perusal of the impugned order, this Court does not find that the learned court below has committed any illegality or irregularity in passing the impugned order. The fact is also apparent from the impugned order the petitioner has not produced any evidence to support the assertion that Rs.5 lacs has been paid by the petitioner to the plaintiff. In this backdrop, this Court is not inclined to interfere in the impugned order.

The writ application is accordingly dismissed.

At this juncture, the learned counsel for the petitioner has prayed that the petitioner may be granted liberty to pay the arrears of rent in installments.

Considering the submissions, the petitioner is granted liberty to make such a prayer before the learned court below by filing appropriate petition which shall be disposed of in accordance with law on its own merits.

The writ application is accordingly dismissed with aforesaid observation.

(V. Nath, J)

Nitesh/-

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