

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.89 of 2015

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Radhe Shyam @radhe Shyam Sah S/o late Baldeo Sah R/o Mohalla Modi Tola,
thana Road, Sultanganj, P.o. +P.s Sultanganj, District Bhagalpur.

.... Petitioner/s

Versus

Pawan kumar Kesan, S/o late Radhe shyam Kesan R/o Mohalla Dhwaja, Gali,
Sultanganj, Po+P.s Sultanganj, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv.

For the Respondent/s : Mr. Md. Waliur Rahman, Adv.

Mr. Roshan Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-05-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent.

Mr. Waliur Rahman, learned counsel for the opposite party
has raised a preliminary objection questioning the maintainability of
this revision application under Section 14 (8) of the Bihar Building
(Lease, Rent and Eviction) Control Act 1982 (hereinafter referred to
as the 'B.B.C. Act'). It has been the stand of the learned counsel that
the suit was filed by the plaintiff-opposite party for eviction of the
defendant-petitioner on the ground of default in payment of rent and
also on the ground of personal necessity and the plaintiff-opposite
party has been granted decree for eviction on both counts. It has,
therefore, been submitted that in view of the provision as contained in

section 14 (8) B.B.C. Act the impugned decree for eviction is appealable and the present revision application will not be maintainable.

Learned counsel for the petitioner has accepted that the suit has been filed for eviction on the ground of default in payment of rent as well as personal necessity of the suit premises and after deciding the issues in favour of the plaintiff the decree for eviction has been passed. Learned counsel for the petitioner could not show any provision of law in which the present revision is maintainable.

After considering the submissions and the facts and circumstances of the case, this Court holds that the impugned judgment and decree for eviction is appealable and the present revision application filed under the provision of Section 14 (8) of the B.B.C. Act is not maintainable.

Accordingly, the present revision application is dismissed as not maintainable. It is however, observed that the petitioner have a liberty to seek his redressal in accordance with law.

(V. Nath, J)

Devendra/-

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