

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14858 of 2014

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Gauri Shankar Gupta son of Late Sita Ram Sah Resident of Mohalla - Bagtaj Khan
@ Pokhara, P.O. & P.S. Hajipur, District - Vaishali

.... Petitioner/s

Versus

Ram Mohan Malviya son of Late Ganpati Upadahaya Resident of Mohalla -
Bagmani, Anwarpur, P.O. Hajipur, P.S. Hajipur, District - Vaishali

.... Respondent/s

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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

Date: 22-10-2016

Heard learned counsel for the petitioner.

By the impugned order the learned court below has issued
the direction to the defendant-petitioner in the suit to pay arrears of
rent to the plaintiff.

It has been submitted by learned counsel for the petitioner
that the rent has already been remitted through money order by the
defendant-petitioner but the plaintiff has refused to accept the same.

After considering the submission and perusal of the
impugned order, it is evident that the relationship of landlord and tenant
between the plaintiff and the defendant has not been denied but the rent
has not been received by the plaintiff. In that view of the matter, the fact
that the defendant-petitioner remitted the rent through money order



could not absolve the liability of the petitioner to pay the arrears of rent as directed by the learned court below. In this backdrop, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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