

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8510 of 2014

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Jai Shankar Prasad

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Respondent/s : Mr. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 16-02-2016

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

2. By the impugned order the court below has directed
the defendant-petitioner to deposit the arrears of rent at the
admitted rate and further directed that the plaintiff will not entitle
to withdraw the same till the court decides the dispute and makes
an order for payment of the same.

3. It appears that the defence was taken by the
petitioner to the effect that he had already paid the rent and there is
no arrear. In the impugned order the court below found that in
support of the contention no documentary evidence was produced
by the petitioner.

4. The only grievance of the petitioner is that earlier
on 06.04.2013 the court below had directed the petitioner to
deposit the current rent and according to that direction the

defendant-petitioner was depositing the rent and, therefore, the application for modification of the said order itself was not maintainable. If at all the plaintiff was aggrieved by that order, he could have filed review application.

5. It may be mentioned here that earlier the order was passed for depositing the current rent. In that case no order was passed for depositing the arrears of rent as the plaintiff had not mentioned the month from which the petitioner was required to deposit the arrears of rent. Subsequently the plaintiff filed the application stating the month from which the arrears of rent is to be paid by the defendant. Accordingly, the court below has directed the petitioner to deposit the rent and, therefore, it cannot be said that the court has no jurisdiction to direct the defendant to deposit the arrears of rent, particularly when in this case only statement of the plaintiff was denied by the defendant and the court below prima-facie found that there is no documentary evidence filed by the defendant-petitioner in support of the same. In such view of the matter, in my opinion, no case for interference in supervisory jurisdiction is made out.

6. Thus, this writ application is dismissed.

Harish/-

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(Mungeshwar Sahoo, J)