

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.669 of 2016**

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Yogendra Mahto

.... Appellant/s

Versus

Sunil Kumar Gami

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 21-09-2016

Heard the learned senior counsel, Mr. Vishwanath Prasad Sinha for the petitioner.

Perused the impugned order dated 28.03.2016 passed by Munsif I, Darbhanga in Eviction Suit No.17 of 2005 whereby the Court below has rejected the application filed by the defendant-petitioner for directing the plaintiff to deposit the municipal tax or adjust towards the arrears of rent.

From perusal of the impugned order, it appears that Court below after considering various agreements with other tenants held that the defendant is required to pay the municipal tax and, therefore, rejected the application.

There is no provision in B.B.C. Act that the Court will direct the plaintiff to pay the municipal tax. There is no agreement produced by the petitioner to show that there was any agreement to that effect between the plaintiff and this tenant petitioner.

In view of the above factual position, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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