

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.22 of 2015

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Sunil Kumar Sinha. Son of Late Sitasharan Prasad. Resident of village - Jafarpur,
P.S.- Belsand, District - Sitamarhi, presently residing at Mohalla - Lalbagh, P.O. -
Lalbagh, P.S.- Darbhanga Town, District - Darbhanga.

.... Appellant

Versus

Rajendra Krishna Agrawal. Son of Sri Bechanlal Agrawal. Resident of Radha
Compound, Mohalla - Mainpura, Patna, presently residing at Mohalla - Lalbag,
P.O.- Lalbag, P.S.- Darbhanga Town, District - Darbhanga.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur, Adv.
Mr.Subodh Kumar, Adv.
Mr.Santosh Kumar Pandey, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-07-2016

V.Nath, J.

Heard the learned counsel for the appellant.

The tenant-defendant in the suit for eviction is
appellant in this appeal against the judgment and decree of
affirmance.

The suit was filed by the plaintiff-respondent
seeking eviction of the defendant on the ground of default in payment
of rent and personal necessity. The defendant contested the claim and
came out with the case of an oral agreement for sale of the suit
premises with the plaintiffs. Both the courts below have concurrently
held that there is existing relationship of landlord and tenant in
between the plaintiff and defendant and further that the defendant had

defaulted in payment of rent. The suit was decreed accordingly and thereafter appeal preferred by the defendant has been dismissed by the impugned judgment and decree.

After considering the submissions and perusal of judgments of both the courts below, it is manifest that both the courts below have concurrently found that the defendant as tenant has committed default in payment of rent to the plaintiff for the suit premises. It also transpires that the defendant did not comply the direction for payment of rent passed during the pendency of the suit and his defence was struck off.

This Court does not find any perversity or unreasonableness in the findings by both the courts below on the material issues arising in this suit.

Ex consequenti, there is no substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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