

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.135 of 2013

=====

Khalil Ahmad Khan@ Khalil Ahmad Son of Late Maqbool Ahmad Khan, resident of Mohalla- Sher Mohammad Bhigo, PS- Laheriasarai town & District- Darbhanga, at present residing at Kotwali Chowk, Naka No.5, PS- Laheriasarai, Town & District- Darbhanga.

.... Petitioner.

Versus

1. Prakash Kumar Son of Shri Nand Kishore Prasad,
2. Smt. Meera Devi wife of Shri Nand Kishore Prasad, Both residents of Mohalla- Madarpur, Ward No.23 (old), Ward No.22(new), PS- Laheriasarai District Darbhanga.
.... Opposite parties.

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-05-2016

V.Nath, J.

Heard Mr. Mahesh Narayan Parbat, learned senior counsel appearing for the petitioner and Mr.Ratan Kumar Singh, learned counsel appearing for the opposite parties.

This revision application has been filed under Section 14(8) of the Bihar Building (Lease, Rent & Eviction) Control Act (hereinafter referred to as B.B.C.Act) against the judgment and order of eviction passed in Eviction Suit No. 15/1998 against the petitioner.

The defendant-tenant appeared and contested the claim of the plaintiff denying the relationship of landlord and tenant and also denying the personal necessity as pleaded by the plaintiff.

The learned court below after scrutiny of the

pleadings and evidence of the parties has recorded the findings on the issues in favour of the plaintiff and accordingly decreed the suit.

The ambit and scope of the revisional jurisdiction under the Rent Control Act has been considered by a Constitution Bench in the case of ***Hindustan Petroleum Corporation L.T.D. Vs. Dilbahar Singh, 2014 (9) SCALE 657*** and it has been laid down as follows:

Para 45. “...*The High Court is entitled to satisfy itself the correctness or legality or propriety of any decision or order impugned before it as indicated above. However, to satisfy itself to the regularity, correctness, legality or propriety of the impugned decision or the order, the High Court shall not exercise its power as an appellate power to reappreciate or re-assess the evidence for coming to a different finding on facts. Revisional power is not and cannot be equated with the power of reconsideration of all questions of fact as a court of first appeal. Where the High Court is required to be satisfied that the decision is according to law, it may examine whether the*

order impugned before it suffers from procedural illegality or irregularity...”

In the present case, this Court finds that the learned court below has not committed any illegality or procedural irregularity going to the root of the matter. The learned court below even has considered the issue of partial eviction and has come to the finding that the partial eviction will not satisfy the need of the plaintiff.

This revision application is held to have no merit and is dismissed as such.

(V. Nath, J)

Nitesh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	NA