

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.389 of 2016

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Lalti Devi & Ors

.... Petitioner/s

Versus

Sri Thakur Navneet Priyajee Maharaj & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar

For the Respondent/s : Mr. Ganpati Trivedi

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 08-08-2016 Heard the learned counsel, Mr. Dhanjay Kumar, for the petitioner and the learned senior counsel, Mr. Ganapathy Trivedi, for the respondent No.2.

By the impugned order dated 13.07.2015, the learned Munsif, Patna city has refused to recall the order striking off the defence of the petitioner because the petitioner has not complied the order for deposit of monthly rent, current rent and future rent.

The points which are being raised by the petitioner relates to the question as to whether trust is private trust or public trust. However, the petitioner is not claiming to be the owner of the property. According to him, he is paying the rent to local Mukhiya.

This questions cannot be considered for recall of the order striking off the defence of the petitioner, particularly when he is a

tenant. If there is dispute between the landlords then also the Court has the jurisdiction to direct the tenant to deposit the rent in the Court. Admittedly, for compliance of the order passed under Section 15 of Bihar Building (Lease, Rent & Eviction) Control Act, the petitioner has not deposited the rent, as such his defence had already been struck off in the year 2011. Thereafter, this application has been filed to recall the said order striking off the defence of the petitioner.

Admitted fact is that still today the petitioner has not complied the order and has not deposited the rent, arrears, current rent and future rent. In my opinion, therefore, I find no reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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