

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4934 of 2016

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Sidh Nath Rai

.... Petitioner/s

Versus

Pratima Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-04-2016

Heard Mr. Navin Kumar, learned counsel appearing
for the petitioner.

2. By the impugned order dated 18.03.2016, the learned
Sub-Ordinate Judge-I Patna City directed the petitioner to deposit
Rs. 9000/- per month as rent since September, 2013 to January,
2016 under Section 15 of the B.B.C. Act in Title Eviction Suit No.
16 of 2014.

3. The controversy between the parties is according to
the plaintiff monthly rent is Rs. 9000/- and in support of that he
filed counterfoil 32 in numbers whereas according to the
defendant the monthly rent is Rs. 5000/- per month. By the
impugned order the court below relied upon the case of the
plaintiff and directed the petitioner to deposit the rent of
Rs. 9000/- per month.

3. The Hon'ble Supreme Court in the case of **Jai Singh**

vs. Municipal Corporation of Delhi 2010 (9) SCC 385 reported in 2010 (9) SCC 385 has held that the High Court cannot lightly or liberally act as an appellate court and re-appreciate the evidence. Generally, it can not substitute its own conclusions for the conclusions reached by the courts below or the statutory/quasi judicial tribunals. Therefore, in view of the settled principle of law laid down by the Supreme Court, this Court, even if two views are possible, cannot take another view and substitute the finding of the court below in exercise of supervisory jurisdiction under Article. 227 of the Constitution of India. Thus, I find no reason to interfere with the impugned order. Accordingly this writ application is dismissed. However, this finding of the trial court shall not prejudice to the parties at the time of final hearing of the suit.

(Mungeshwar Sahoo, J)

brajesh/-

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