

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11492 of 2015

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Gariban Das son of Late Saukhi Das resident of village - Bakhtiyarpur,
Police Station - Bakhtiyarpur, District - Patna.

.... Petitioner

Versus

Sidheshwar Prasad Dipak son of Late Saukhi Prasad resident of village -
Naya Tola, Bakhtiyarpur, Police Station - Bakhtiyarpur, District - Patna.

.... Respondent

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Appearance:

For the Petitioner : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 02-05-2016 Heard learned counsel, Mr. Shailendra Kumar Jha,

for the petitioner.

The learned Munsif, Barh in Execution Case No. 03
of 2013 refused to review the earlier order whereby the petitioner
was directed to pay the arrears of rent of Rs. 4501/- and to deposit
current rent at the rate of Rs. 400/- per month. The revision
application was filed on the ground that the petitioner has no
money and is incapable to deposit the arrears of rent and the
current rent.

The Court below rejected the same by the
impugned order dated 14.11.2014.

It appears that eviction suit was filed by the
plaintiff-respondent against the petitioner. The eviction suit was

decreed ex-parte. Execution case has been filed by the plaintiff-respondent. In the Execution case, stay application was filed. The Court below directed the petitioner to deposit the arrears of rent and current rent and stayed the further proceeding of the execution case. The petitioner instead complying the order has filed the review application before the Court below.

In my opinion, therefore, the order passed by the Court below should not have been reviewed and therefore rightly not reviewed on the ground that the petitioner is incapable of depositing arrears and current rent. Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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