

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12713 of 2014

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1. Ravindra Lal Arya Son of Late Nand Lal Arya
2. Smt. Asha Arya W/o Sri Ravindra Lal Arya Both Resident of Mohalla Phulwari
Gali, Patna city, P.S.- Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. Smt. Anupama Devi W/o Sri Roushan Kumar resident of Mohalla Phulauri Gali,
Patna City, P.O.- Jhauganj City, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv
For the Respondent/s : Mr. J.S. Arora, Adv, Mr. Manoj Kumar, Adv
and Mr. G. Pratap

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-09-2016

Heard learned counsel for the petitioners and learned
counsel for the respondent.

The legal sustainability of the impugned order by which
the learned court below has turned down the prayer of the
defendant-petitioners for repair of the house has been questioned in
this application filed under Article 227 of the Constitution of India.

The petitioners are the defendants in the suit for eviction
filed on the ground of personal necessity alone. From the
submission made on behalf of the petitioners, it becomes evident
that the petitioners have claimed their own title and entitlement to



possession over the suit house on the basis of agreement for sale entered into between the petitioners and the original owner Sri Nath Mishra where the petitioners have claimed to have paid 80 per cent of the total consideration money to the said original owner. The petitioners have also filed a suit for specific performance of contract on that basis which according to the learned counsel for the petitioners is still pending. The present suit, however, is a suit of limited nature filed under the provisions of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982

After considering the submissions and the impugned order, this Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

However, this order shall not prejudice the petitioner in pursuing his remedies in accordance with law, in the suit, said to have been filed by him.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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