

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.121 of 2017**

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Smt. Kamla Devi, w/o Mauji Lal Sao, r/m Murarpur-Bhroopar, P.O.-
Biharsharif, P.S. Lehari, District-Nalanda.

.... Appellant/s

Versus

Shailendra Kumar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Khatim Reza

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 25-01-2017 Heard the learned counsel Mr. Khatim Reza for the

petitioner.

Perused the impugned order dated 16.12.2016 passed
by the Sub-Judge V, Biharsharif, Nalanda in Eviction Suit No. 2
of 2013, whereby the learned Sub-Judge has directed the tenant-
respondent to deposit arrears of monthly rent for 25 months,
amounting to Rs. 75,000/-.

Learned counsel for the petitioner submitted that
although the plaintiff-petitioner prayed for directing the defendant-
respondent to deposit the arrears of rent as well as current rent but
the court below has directed to deposit only the arrears of rent. No
order has been passed with respect to the current rent.

From perusal of the impugned order, it appears that the
court below has also not refused the prayer made by the plaintiff.



It may be the mistake of the court below. There is no specific direction that the defendant cannot be directed to pay the monthly rent.

In such view of the matter, the petitioner may approach the court below pointing out this omission/mistake if committed by the court. The petitioner is entitled to challenge the order if it will go against him.

With this direction, this Civil Misc. application is disposed of.

(Mungeshwar Sahoo, J.)

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