

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.467 of 2017

=====

Lakshmi Prasad Nayak, Son of late Ramyash Nayak, resident of Mohalla Adarsh Nagar, Ward No. 16, Police Station and District- Araria.

.... Appellant/s

Versus

Jabintara Khatoon, (Daughter of Ataur Rahman), Wife of Manjar Alam @ Bhola, thereafter married with Sri Ramprit Rajak (Ex. A.S.I. of Police, Araria) and call as Jabintara Devi Wife of Ramprit Rajak, resident of Village Nagwara, Police Station Katra, District Muzaffarpur at present resident of Mohalla Om Nagar, Ward No. 8, Police Station and District Araria.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rama Nand Poddar, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-04-2017

Heard learned counsel for the petitioner.

The petitioner is the plaintiff in the suit which has been filed for eviction on the ground of non-payment of arrears of rent since 01.09.2006 to 01.10.2007.

The petition has been filed under Section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 praying for direction to the defendant to pay the arrears of rent from 01.09.2006 to 01.10.2007. The said prayer has been turned down by the order dated 01.03.2012. It transpires from the records that the present application under Article 227 of the Constitution of India has been



filed on 16.03.2017. Learned counsel for the petitioner has fairly accepted that there is no explanation by the petitioner for approaching this Court after lapse of almost five years. It is also apparent from the perusal of the relief prayed in the suit appearing from the plaint annexed with the present application as Annexure-2 that the relief for arrears of rent amount of Rs. 5850/- for the period 01.09.2006 to 01.10.2007 has also been prayed. The prayer under Section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 as made by the plaintiff-petitioner for direction to the defendant to pay the arrears of rent for the same period from 01.09.2006 to 01.10.2007 is completely misconceived as the provision of Section 15 of the said Act is by way of interim relief to the plaintiff and not for grant of the relief which has been the main relief in the suit.

This Court, in the aforesaid facts and circumstances including the fact that the petitioner has approached this Court after inordinate delay, does not find it a fit case to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

