

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1108 of 2017

=====

Md. Ehtasam Ahmad son of Late Sayed Sajid Ahmad resident of Mohalla -
Lal Miyan Ka Dargah, Post - Phulwarisharif, P.S. - Phulwarisharif, District -
Patna.

... .. Appellant/s

Versus

Md. Mahmud Ali Alias Shaukat Ali son of Late Hurmat Ali resident of
Mohalla - Lal Miyan Ka Dargah, Post - Phulwarisharif, P.S. - Phulwarisharif,
District - Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Madan Mohan Prasad
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-08-2017 Heard learned Counsel for the petitioner.

The petitioner claims that he is the husband of Yasmin Khatoon. He admits that Yasmin Khatoon is the tenant of the plaintiff-respondent in respect of the premises, described as Circle No. 1, Ward No. 14, Plot No. 1980, Khata No. 580, of Touzi No. 5166, situated at Mohalla Lal Miya Ka Dargah, Phulwarisharif, district Patna. He is aggrieved by an order, dated 29.05.2007, passed by learned Sub Judge I, Patna, in Eviction Suit No. 17 of 2016, whereby considering an application under Section 15 of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as the 'Act'), filed on behalf of the plaintiff-respondent, the Court below has directed the petitioner-defendant to deposit in Court



arrears of rent, amounting to Rs. 2,10,000/-, from March, 2013 to February, 2016, as well as current rent of amount of Rs. 66,000/-, within sixty days from the date of passing of the order and to pay the future monthly rent at the same rate till 15th of every successive month, failing which the defence against ejectment of the petitioner-defendant shall be struck off.

Learned Counsel for the petitioner has submitted that the impugned order has been passed without recording conclusive finding of relationship of landlord and tenant between the petitioner and the respondent. He has submitted that the petitioner's wife is the tenant of the respondent, but the petitioner is not.

I have perused the impugned order. The application, in my opinion, lacks bonafide and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	v		
---	---	--	--

