

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1929 of 2017**

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Md. Ehtesham Ahmad aged about 61 years, son of Late Syed Sajid Ahmad,
Resident of Lal Mian Ki Dargah, P.O. & P.S. Phulwari Sharif, District-
Patna.

.... Petitioner/s

Versus

Md. Mehmood Ali @ Shankat Ali Alias Shaukat Ali, aged about 68 years,
son of Late Hurmat Ali Resident of Lal Mian Ki Dargah, P.O. & P.S.
Phulwari Sharif, District-Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nawabzada Syed Md. Babar Hayat
Quadri

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 12-12-2017 Heard both sides.

The petitioner has filed this civil miscellaneous petition
against the order dated 17.10.2017 passed by Sub Judge I, Patna in
Eviction Suit No.17 of 2016.

The defendant-tenant filed a petition under Order 47
Rule 1(c) read with Section 144 and 151 of the C.P.C. for
reviewing the order dated 29.05.2017. Vide order dated
29.05.2017, the learned Sub Judge allowed the petition of the
plaintiff-respondent and directed the petitioner-defendant to pay a
sum of Rs.6,600/- monthly rent to the respondent. The petitioner
was also directed to pay the arrears of rent @ Rs.6,600/- per
month. The petitioner filed Civil Miscellaneous Case No.1108 of



2017 against the order dated 29.05.2017 and this Court vide order dated 21.08.2017 dismissed the civil miscellaneous petition confirming the order of Sub Judge directing the petitioner-tenant to pay the arrear of rent as well as current monthly rent. Thereafter, the petitioner filed a petition for review of the order dated 29.05.2017 on the ground that the rent controller has assessed the rent of the suit premises to Rs.2,500/- per month and in view of this finding of rent controller, the order directing to pay Rs.6,600/- monthly rent to the petitioner be reviewed but by the impugned order, the petition for review of the order dated 29.05.2017 has been dismissed.

The learned counsel for the petitioner submits that the petitioner was not even heard before dismissing the petition filed under Order 47 Rule 1(c) of C.P.C. The defendant did not file any rejoinder to the petition of the plaintiff. At least before rejection of review petition of the petitioner, petitioner should have been heard.

Of course, it appears from the order sheet that the petitioner was asked to appear in the second half but nobody appears on behalf of the petitioner to argue on the review petition. Therefore, I do not find any reason to interfere with the impugned order refusing to review the order dated 29.05.2017 as the same



order has been affirmed by this Court in Civil Misc. No.1108 of 2017.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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