

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.414 of 2017

Shankar Thakur son of Late Jhingur Thakur Resident of Koat Bazar, Ward No. 24, Post & Dist. Sitamarhi , at present Janaki Saloon, Janakisthan, Ward No. 8, Nagar Parishad, P.S. + Dist. Sitamarhi.

... .. Appellant/s

Versus

Binod Rai son of Sri Kapildeo Roy Resident of Mohalla - Janaki Asthan, Ward No. 2, Nagar Parishad, P.S. + Dist. Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-09-2017 Heard the learned counsel for the parties.

This application under Article 227 of the Constitution of India has been filed against order dated 03.01.2017, passed by learned Munsif Sadar, Sitamarhi in Eviction Suit No. 02 of 2014, whereby the petitioner has been directed to deposit a sum of Rs. 1,000/- as monthly rent in Nazarat and submit the receiving receipt in the court by the end of 15th day of every month.

The said order has been passed under Section 15 of the Bihar (Lease, Rent and Eviction Control) Act, 1982. The order cannot be said to be beyond jurisdiction.

Learned counsel appearing on behalf of the petitioner has submitted that the court below has not held in the impugned



order that there is relationship of landlord and tenant between the petitioner and the respondent/plaintiff and, therefore, the order is bad. He submits that the petitioner has been paying rent to the landlord Ramesh Bhagat, the brother of the respondent/plaintiff and, therefore, the court below has committed an error by directing the same.

I have perused the impugned order. A dispute has been raised by the petitioner before the Court below that the disputed premises does not belong to the petitioner, rather to his brother Ramesh Bhagat from whom the petitioner's wife purchased the premises. The Court below after reaching a conclusion, albeit prima facie of existence of land lord-tenant relationship has passed the order.

These questions which is being raised here can be considered at appropriate stage of the proceeding.

The order does not require any interference by this Court on an application under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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