

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1125 of 2017

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Dr. Anjishnu Prakash, son of Dr. Ayodhya Prasad Singh, resident of M.I.G. House
No. 45, Kankarbagh Colony, P.S. Kankarbagh, Town and District- Patna.

.... Petitioner

Versus

Chandramauleshwar Prasad, son of Gopal Prasad, Prop. Guideline, House No.
143/B, P.C. Colony, Kankarbagh, P.S. Kankarbagh, Town and District- Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Pankaj Majjorwar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-05-2018

Heard learned counsel for the petitioner.

The petitioner being plaintiff is aggrieved by the order dated 27.06.2016 passed in Eviction Suit No.108 of 2015 by which the learned Munsif-III, Patna partly allowed the petition of the petitioner filed under Section 15 of the B.B.C. Act and the defendant is directed to pay arrears of rent at the rate of Rs.2000/- per month from the date of institution of the suit.

Learned counsel for the petitioner submits that Section 15 of the B.B.C. Act does not prohibit the realization of arrears of rent prior to filing of the suit but the learned Munsif-III, Patna allowed the petition of the petitioner for arrears of rent after the date of institution of the suit. Therefore, the order is bad and the defendant be directed to



pay the entire arrears of rent from the month of January, 2011.

From perusal of the record, I do not find any illegality in the order. The learned Munsif has allowed the petition filed under Section 15 of the B.B.C. Act for payment of arrears of rent, after institution of the suit at the rate of Rs. 2000/- per month and the matter of payment of arrear of rent before institution of suit is to be decided at the time of judgment.

Accordingly, I do not find any merit in this Civil Miscellaneous petition and the same is dismissed.

The learned court below may expedite the hearing of the suit.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
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