

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1934 of 2014

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1. Subhashchandra Keshari Son Of Late Sukhdeo Prasad Keshari Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger
 2. Most. Kiran Devi Wife Of Late Tuntun Kumar Keshari Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger
 3. Sagar Keshari Son Of Late Tuntun Kumar Keshari Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger
 4. Shivani Keshari D/O Late Tuntun Kumar Keshari Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger
 5. Khushboo Keshari @ Khushi Kumari Daughter Of Late Tuntun Kumar Keshari Under Guardianship Of Her Mother Kiran Devi Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger
 6. Neeraj Kumar Keshari Son Of Sukhdeo Prasad Keshari Resident Of Village - Chowk Bazar Kripa Rampul, P.O. Munger, P.S. Kotwali, District - Munger

.... Petitioners

Versus

Pursottam Kumar Keshari Son Of Late Indradeo Keshari Resident Of Mohalla - Nilam Cinema Road, Munger, P.S. Kotwali, District - Munger

.... Respondent

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Appearance :

For the Petitioners : Mr. Surendra Kishore Thakur, Advocate
For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-01-2018 This application has been filed to set aside the order dated 18.11.2013 passed by learned Munsif-II, Munger in Eviction Suit No.08 of 2011.

2. Heard learned counsel for the petitioners as well as the respondent.

3. The petitioners are plaintiff of Eviction Suit No.08 of 2011 which was filed for eviction of respondents on the ground of personal necessity as well as default in payment of rent. As per



case of plaintiff, the defendants defaulted in making payment of rent since December, 2009. After appearance of defendants, the petitioner filed petition under Section 15 of Bihar Building Control Act for a direction to the defendants to pay arrears of rent as well as current rent. The court below after hearing both sides rejected the petition so far arrears of rent is concerned. The court below however directed the defendant to make payment of current rent at the rate of Rs.1001/- since November, 2013. The petitioners have neither pleaded for arrears of rent nor paid any court fee as required under Section 17 of the Court Fee Act, 1870 wherein the petitioner is required to pay court fee on the claimed amount of arrears of rent.

4. On perusal of copy of plaint, I find that the plaintiff has sought relief only for eviction of the defendant from the suit premises. The petitioners have valued the suit at Rs.12012/- which is the annual rent of the suit premises. The court below has not committed any illegality in refusing the prayer of the petitioners so far arrears of rent is concerned.

5. In view of above facts, this writ application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

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