

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.822 of 2017

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Pankaj Pal, son of Late Prem Pal, resident of Gurudwara Road, Mehboob Khan Tola, P.S.- Khajanchi Hat, Town District- Purnia.

... .. Appellant/s

Versus

Ramesh Chandra Agrawal @ Ramesh Agrawal, son of Late Ram Narayan Chand, resident of R.N. Shaw Chowk, P.S.- Khajanchi Hat, Town District Purnia.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Maijorwar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-04-2018 Heard the learned counsel for the petitioner.

The petitioner, being the appellant, wanted to bring on record the order dated 03.05.2010 passed in CWJC No. 14005 of 2002. The State of Bihar thereafter filed title suit No. 222 of 2010 before the court of Sub-Judge, Purnea but the petition of the petitioner/ appellant has been dismissed by the learned Additional District Judge, Purnea.

The learned counsel for the petitioner submits that the plaintiff filed suit for eviction under Section 11 (1) (c) and 11 (1) (d) of the Bihar Building (Lease, Rent & Eviction) Control Act but the petitioner/ defendant from the inception of the suit denied the relationship of landlord and tenant. It is submitted that the order passed in CWJC No. 14005 of 2002 is necessary for just decision of the case but the learned court below has



illegally rejected the petition.

On perusal of the order, it appears that the plaintiff filed the suit against the petitioner/ defendant for eviction on the ground of personal necessity and termination of lease. The defendant denied the relationship of landlord and tenant. The suit was decreed and the petitioner filed Eviction Appeal No. 01 of 2002. The plaintiff filed CWJC No. 14005 of 2002 against the order dated 05.02.1999 passed by the Collector, Purnea in Misc. case No. 141 of 1007 whereby writ petitioners/ plaintiff were directed to obtain renewal of lease failing which they will be thrown out from the property in question. The writ petition was disposed of with a direction to the authority to take appropriate step in accordance with law.

Admittedly, writ petitioners/ plaintiff were lessee of the State of Bihar who inducted the petitioner as tenant by virtue of which the petitioner remained in possession but the petitioner denied to have the relationship of landlord and tenant. The order passed in the writ petition is not at all relevant for decision of the Eviction Appeal No. 1 of 2002. The petitioner had earlier also filed an application for additional evidence which was rejected on 20.05.2011 but the petitioner again, on one pretext or the other, filed petition for additional evidence to bring on



record the order dated 03.05.2010 passed in CWJC No. 14005 of 2002 which has got no relevancy in order to decide the question of landlord and tenant between the two sides.

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

(Prabhat Kumar Jha, J)

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