

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.632 of 2018

=====

1. Mukund Prasad Agrawal, son of Late Bhagwat Prasad Agrawal, resident of Mohalla- Mahajan Toli No. 1, P.S. Ara Town, District- Bhojpur, PIN- 802301.

.... Appellant/s

Versus

1. Shailendra Kumar Jain, son of Late Bhairo Kumar Prasad Jain, resident of Mohalla- Mahajan Toli No. 1, Ara, P.S. Ara Town, District- Bhojpur, PIN- 802301.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anish Chandra Sinha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 06-09-2018 Heard Mr. Anish Chandra Sinha, learned counsel
appearing on behalf of the petitioner.

The petitioner has filed this Civil Misc. petition under Article 227 of the Constitution of India for quashing the order dated 21.02.2018 by which the learned Additional District Judge-VI dismissed the petition of the petitioner/defendant to review the order dated 28.08.2015.

Petitioner is the respondent/defendant in the Title Appeal No. 56 of 2013. During the pendency of the appeal the appellant filed petition that the respondent be directed to pay the monthly rent and on such the learned Additional District Judge-VI, directed to the respondent to pay Rs. 405 per month in the



Nazarat and the question of payment of rent to the appellant shall be decided at the time of disposal of the appeal. The petitioner again filed petition on 23.09.2015 to review the order dated 28.08.2015 that the appellant is not entitled to get any rent but it is admitted by the petitioner that he is tenant of the trust. Whether the appellant is trustee of the trust or he is entitled to get rent from the tenant on behalf of the trustee is to be decided in the appeal but admittedly the respondent is one of the tenants of the trust and, therefore, the Court has rightly directed the respondent to pay the rent and deposit the same in the Nazarat till the disposal of the appeal and accordingly the review petition of the petitioner has rightly been dismissed. Therefore, I do not find any merit in this Civil Misc. petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

BKS/Rajan

U			
---	--	--	--

