

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 9 of 2018

- Ishwari Prasad Kesharwani S/o Lakhanlal Kesharwani Aged About 55 Years R/o Shivrinarayan, Tahsil Janjgir, District Janjgir-Champa

---- Petitioner

Versus

- Nagar Panchayat Shivrinarayan Through Its Chief Principal Officer, Nagar Panchayat, Shivrinarayan, Tahsil Janjgir, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	Shri Vivek Tripathi, Advocate
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For Respondent	Shri Sourabh Sharma, Advocate
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Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

26/09/2018

1. After hearing learned counsel for the parties, it appears, there is mistake of calculation while allowing arrears of rent in favour of the plaintiff landlord. The applicant was held liable to pay rent @ 50/- per month, which comes to Rs.1,800/- for a period of 3 years immediately prior to the date of filing of suit. Since this Court has found that the plaintiff has already paid an amount of Rs.1,800/-, which has been deducted from the decree passed by this Court, the defendant would thus not be liable to pay any amount as the arrears of rent for 3 years i.e. Rs.1,800/- has already been paid. The judgment and decree passed by this Court thus stands modified to the extent that the applicant/defendant shall hand

over vacant possession of the suit house within a period of 2 months from today. There shall be no decree for arrears of rent.

2. Learned counsel for the applicant has raised some other grounds to seek review of the order passed by this Court on merits, however, the same cannot be allowed as it will amount to permitting the applicant to argue the appeal afresh in the garb of review petition, which is not permissible in law as held by the Supreme in the matter of **Lily Thomas etc. v. Union of India and others**, reported in AIR 2000 SC 1650.
3. The review application is thus disposed of in the above stated terms.

Sd/-
Prashant Kumar Mishra
Judge

Nirala