

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.39 of 2019

In
Civil Writ Jurisdiction Case No.11878 of 2015

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Bhagwat Prasad Late Dukhi Prasad resident of Mohalla- Nai Sarai, Bhadani
Gali, P.S-Bihar Sharif, District- Nalanda

... .. Petitioner/s

Versus

1. Manoj Kumar Sri Ram Nandan Prasad resident of Bindhyawasani Market,
Mohalla- Garhpar P.S- Bihar Sharif District- Nalanda
2. Pranay Prabhakar Sri Ram Nandan Prasad resident of Bindhyawasani
Market, Mohalla- Garhpar P.S- Bihar Sharif District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s :		Mr.Shashi Nath Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-09-2019 Heard the learned Senior Counsel for the petitioner
and the learned counsel appearing for the opposite parties.

The present review petition is being disposed of with
the consent of the parties to the effect that though the judgment
under review dated 19.12.2018 is not required to be interferred
with on merits inasmuch as there is nothing wrong with the
same, however, the learned counsel for the parties point out that
there is dispute of fact as to whether the petitioner / tenant is
still living in the premises in question or has vacated the same
long back. Hence, it is submitted jointly by the learned counsel
for the parties that the matter be remitted to the learned court
below for adjudication of the fact as to whether the petitioner is



in possession of the shop in question or has vacated the same and in case, the trial court finds that the petitioner / tenant herein is not in possession of the shop in question, then the petitioner / tenant would not be required to deposit any rent with the Court, as directed, otherwise in case, if the petitioner / tenant is found to be in possession of the shop in question, then he would abide by the order dated 19.12.2018 passed in CWJC No. 11878 of 2015.

Accordingly, the present review petition stands disposed of with a direction to the learned court below to decide the question of fact as to whether the petitioner /tenant herein i.e. Bhagwat Prasad is in possession of the shop in question or not and if he has vacated the same, then the learned court below would ascertain the date on which such vacation had taken place and accordingly, the order under review dated 19.12.2018 passed by this Court in CWJC No. 11878 of 2015 would be enforced.

(Mohit Kumar Shah, J)

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