

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1539 of 2019**

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Ashok Kumar Pandey S/o Late Satya Narayan Pandey R/o Mohalla
Dariyapur Gola, P.S.- Pirbahore, Town and District- Patna.

... .. Plaintiff/Appellant/Petitioner

Versus

1. Neelam Kumari W/o Sri Manoj Kumar Pandey Rajbandi Para (Nutun Pukar Road) P.O. and P.S.- Barasat, Kolkata- 700124.
2. Anupama Rani W/o Jay Kishore Mishra Mohiuddin Nagar Bazar, P.O. and P.S. Mohiuddin Nagar, Samastipur, Pin code- 848501.
3. Archana Kumari W/o Raj Kumar Dubey Resident of Village Dharampur Pethia Par, P.S.- Bidupur, P.O. Hajipur, District Vaishali, Pin Code 844111.
4. Mamta Kumari W/o Shyam Kumar Pandey Chauhatta, P.S.- Pirbahore, P.O. Bankipur, Darbhanga House, Bankipur, P.O.- Bankipur, P.S. Pirbahore, District Patna- 800004.
5. Rashmi Kumari W/o Ajit Kumar Pandey Resident of Village Navratanpur, P.O. and P.S.- Khagaul, Danapur, District- Patna- 801105.
6. Manisha Kumari W/o Sanjay Sharma C/o Chitra Nand Sharma, resident of Beiman Tola, P.O. and P.S. Khemi Chak, District Patna- 800027.
7. Parveen Kumar Pandey S/o Rajdeo Pandey P.O. Ghataro, P.S.- Lalganj, District- Vaishali, Pin Code-844119.
8. Sarkuntala Mishra W/o Late Ram Charan Dutt Mishra Resident of Mohalla Slum Area, Quarter No. 158, P.S. Kankarbagh, P.O. Kankarbagh, District Patna, Pin Code- 800020.
9. Smt. Shobha Pandey W/o Late Surendra Kishore Pandey Resident of Yadav Babu Chowk, Ram Nagar Road, P.O. and P.S. Ram Nagar Road, District Hazaribagh, Jharkhand, Pin Code- 825301.
10. Smt. Sanjukta Devi W/o Sri Jai Prakash Sharma Resident of Village Daroo, P.O. and P.S. Daroo, District Hazaribagh, Jharkhand, Pin Code 825313.
11. Smt. Sangeeta Sharma W/o Sri Dinesh Kumar Sharma Resident of Village Behrama, P.S. Janipur, P.O. Soranpur Via Phulwari Sharif, District- Patna, Pin Code- 801505.
12. Gopal Pandey Son of Late Satya Narayan Pandey Resident of Mohalla Dariyapur Gola, P.S.- Pirbahore, P.O. Bankipur, District- Patna, Pin Code- 800004.

... .. Defendants/Respondents/Respondents

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Appearance :

For the Appellant : Mr. Anish Chandra Sinha, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 14-11-2019

Heard learned counsel for the petitioner.

2. The present application has been filed *"for quashing the order dated 12/07/2019 passed by the learned Additional District Judge- 22, Patna in Miscellaneous Appeal No. 49 of 2012 as contained in Annexure P-4 arising out of order dated 01/10/2012 passed by the learned Munsif 2nd, Patna in T.S. No. 25 of 1992 as contained in Annexure P-3 by which the petitioner's application for appointment of receiver in the suit property as mentioned in Schedule I of the plaint has been rejected"*.

3. Learned counsel for the petitioner submits that the learned Additional District Judge has erred in not interfering with the order of the learned Munsif rejecting the petitioner's application for appointment of receiver for collection of monthly rent of the suit premises from different tenants as the tenants were paying a monthly payment of Rs. 9,000/- per month to the respondent no. 12. It is submitted that the stand of the respondent no. 12 to the effect that he was getting a monthly rental of only Rs. 1400/- per month and not Rs. 9,000/- as stated by the petitioner, has not been substantiated. Moreover, the learned Court ought not to have disbelieved the petitioner's claim that monthly rental of Rs. 9,000/- was being collected by the respondent no. 12, moreso when the respondent no. 12 had also not been filed any documents to substantiate that monthly rental of Rs. 1400/- only was being received.

4. I have heard learned counsel for the petitioner and considered the material on record. A perusal of the order of the Munsif dated 01.10.2012 as well as the impugned order of the



learned Additional District Judge dated 12.07.2019 uniformly discloses that the petitioner had not filed any documents to substantiate his claim of monthly rental of Rs. 9,000/- was being received by the respondent no. 12. The petitioner did not also furnish any objective material to controvert the stand of the respondent no. 12 of Rs. 1400/- by way of monthly rental being received by him. The title suit itself has been pending for more than 25 years and the miscellaneous appeal had remained pending for more than six years. Learned counsel for the petitioner has not been able to satisfy this Court that the impugned order has been passed beyond the bounds of authority of the Court or otherwise suffers from any perversity. It is well settled that this Court does not sit in appeal or revision while exercising jurisdiction under Article 227 of the Constitution.

5. The petition accordingly stands dismissed.

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(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.11.2019
Transmission Date	N.A.

