

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.61 of 2020

Ajana Ghosh @ Chikan D/o Birendra Kumar Ghosh Resident of Krishna Kutir, P.s.- Ghoshi Tola, Dist- Munger, Monghyr, Bihar, 811210

... .. Petitioner/s

Versus

1. Rajendra Kumar Sinha S/o Late Krishna Prasad Verma Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger
2. Gopal Sharan Sinha S/o Sri Rajendra Kumar Sinha Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger
3. Shambhu Sharan Sinha S/o Sri Rajendra Kumar Sinha Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger
4. Kumar Gaurab S/o Sri Rajendra Kumar Sinha Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger
5. Kumar Kislay S/o Sri Rajendra Kumar Sinha Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger
6. Kumar Manish S/o Sri Rajendra Kumar Sinha Resident of Mohalla-Ghositola, P.s.- Kasim Bazar, P.o. and District- Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Priyajeet Pandey, Adv.
Mr. Anurag Saurav
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-06-2022 Heard Mr. Priyajeet Pandey, learned counsel for the petitioner.

The petitioner is aggrieved by the order dated 21-10-2019 passed by learned Munsif II, Munger by which the petition for amendment of written statement has been dismissed. While rejecting the petition the learned trial court has arrived at the conclusion that the same has been brought in order to linger / delay the disposal of suit.

Petitioner is a tenant / defendant in eviction suit filed by the plaintiffs in the year 2016. In the plaint the specific case of the plaintiffs is that at the time of commencement of tenancy in the year 1994 the rent of the tenanted premises was fixed @



Rs. 800/- per month, however, by passage of time it was enhanced and just before filing of the suit the rent of the premises was Rs. 3,500/- per month, which the petitioner- tenant paid upto December 2015 and from January, 2016 the defendant / petitioner stopped payment of rent.

Written statement was filed by the defendant / petitioner in which the statement of the respondents - plaintiffs made in paragraph-7 of the plaint that rent of the tenanted premises was Rs. 3,500/- per month has been accepted. The written statement was filed on 16-01-2017. The plaintiffs- respondents filed an application under Section 15 of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 (for short “B.B.C. Act”) which was disposed of vide order dated 03-06-2017 and the defendant – petitioner was directed to deposit rent @ Rs. 3,500/- per month. The order passed under Section 15 of the B.B.C. Act was not challenged by the petitioner and the petitioner deposited arrears of rent for the period September, 2016 to February, 2017.

I have gone through the impugned order. On the premise of the aforesaid facts the learned court below while rejecting the petition for amendment filed by the petitioner has come to the conclusion that the amendment application has been



filed in order to delay the disposal of the suit. From the material on record it is manifest that last rent paid @ 3,500/- per month has been accepted by the defendant - petitioner in so many words in the written statement and the defendant-petitioner also deposited the rent @ 3,500/- per month pursuant to the order passed under Section 15 of the B.B.C. Act. Thereafter, it appears that on 26-07-2019 an amendment petition has been filed by the petitioner for amendment of the written statement to the extent that rent was Rs. 800/- per month and not Rs. 3,500/- per month. Accordingly, on careful consideration of the facts, I am of the considered opinion that amendment petition filed by the petitioner was not *bona fide* and the learned court below has rightly come to the conclusion that the same was filed in order to delay / linger the disposal of the suit. The learned court below has not committed any jurisdictional error and / or material irregularity while passing the impugned order.

Accordingly, this civil miscellaneous application is dismissed.

(Anil Kumar Sinha, J)

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