

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1034 of 2018**

Keshov Prasad Saw son of Late Kapoor Chand Saw through Rajesh Kumar Saw son of Keshov Prasad Saw, Attorney and resident of Mohalla-Chawartakiya Road, P.O. and P.S.- Sasaram, District- Rohtas residing at 92, Dr. Lal Mohan Bhattacharjee Road, P.S.- Entally, District- Kolkata.

... .. Petitioner/s

Versus

Madhu Devi Daughter of Late Ramendra Prasad, resident of Mohalla-Chawartakiya Road, P.O. and P.S.- Sasaram, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey
For the Respondent/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 31-08-2023 Heard the parties.

2. An application under Section 15(1) of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 has been filed by the landlord in the Eviction Suit No. 07 of 2015 and the same has been rejected by the learned Munsif-I, Sasaram saying that the application shall be considered at the time of the disposal of the Eviction Proceedings.

3. It has been submitted by the learned counsel for the petitioner that the amount of Rs. 500/- is the rent in question which is also which is also not being paid by the tenant and the arrears of rent have also not paid to the petitioner.

4. Learned counsel for the tenant has submitted that the tenant had spent some money in renovation of the bathroom etc. and therefore the same should be adjusted in the land.



5. I have considered the submission of the parties.

6. From the reading of Section 15 of Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 it appears that there is no provision for adjustment of any alleged expenses made by the tenant. Moreover, if any such case is made out and proved by the tenant during the course of hearing, the same shall be considered by the Munsif at the time of final judgment but this will not stop the payment of rent to the petitioner.

7. In view of the above, I am of the view that the tenant is adopting delaying tactics as the small rent of Rs. 500/- has not been deposited by the tenant. Hence, this application is allowed.

8. The respondent-tenant is directed to deposit the entire amount in the Court below within 15 days from the date of communication of a copy of this order.

9. Thereafter, the Munsif, Sasaram who is hearing the case shall dispose of the Eviction Suit No. 07 of 2015 within three and a half months (3.5 months) from the date of communication of a copy of this order.

10. After disposal of the Eviction Suit No. 07 of 2015 within the stipulated time as mentioned above, the Munsif, Sasaram will send a compliance report with regard to the order



of this Court.

11. Let a copy of this order be communicated to the District Judge, Rohtas through FAX and e-Mail for its compliance forthwith.

(Sandeep Kumar, J)

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