

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1279 of 2017**

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Vijay Kumar Son of Balkishun Rai, resident of Rukanpura Mahuabagh,  
B.V.Collage, P.S.-Gardanibagh, at Present Rupaspur, District-Patna.

... .. Petitioner/s

Versus

Sri Arun Kumar Chaudhary Son of Late Chhathu Chaudhary, Resident of  
Village P.O.-Sarai, P.S.-Maner, District-Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 13-03-2024**

Heard learned counsel for the petitioner.

2. The present petition has been filed under Article 227 of the Constitution of India for quashing the order dated 14.06.2017 passed by the learned Munsif, Danapur in Title Eviction Suit No. 15 of 2011 whereby and where under the learned Munsif, Danapur has rejected the revision petition filed by the petitioner under Section 151 of the Code of Civil Procedure (hereinafter referred to as 'the Code').

3. Learned counsel for the petitioner submits that the respondent has filed Title Eviction Suit No. 15 of 2011 seeking



eviction of the petitioner defendant. The respondent claimed himself to be the owner of the suit property whereas the petitioner was shown as a tenant. The petitioner appeared and filed his written statement claiming that the respondent has executed an agreement to sale after taking money from the petitioner which was used in construction of the suit house. The petitioner is residing in the house since 2008 with his family members. Learned counsel further submits that while the evidence of defendant was being recorded, the defendant filed the aforesaid deed of agreement for sale which was challenged by the plaintiff claiming it to be a fabricated document. The said document was ordered to be sent to the Forensic Science Laboratory, Patna for comparison of specimen signature of the plaintiff with the signature on the said document. This order was passed in 04.03.2017. Thereafter, a petition under Section 151 of the Code was filed for revision of the order dated 04.03.20217 which was rejected by the learned Munsif, Danapur by the impugned order dated 14.06.2017.

4. Learned counsel further submits that the learned Munsif has not taken into consideration the fact that the petitioner has filed a suit for specific performance bearing Tile Suit No. 377 of 2016 which is pending before the Court of



learned Sub-Judge I, Danapur. Learned counsel further submits that the impugned order is not sustainable and if it is allowed to be sustained, injustice would be caused to the petitioner. The respondent has diverted the attention of the Court towards verification of signature on the document and in this way the respondent has been trying to mislead the Court to collect the extra evidence. But this fact was not considered by the learned Court below which passed the impugned order.

5. Having regard to the submissions made on behalf of the petitioner and also perusal of the records, I am of the view that the present petition is not maintainable since the order which has been challenged before this Court has been passed on the petition seeking revision/review of the order dated 04.03.2017. Unless the order dated 04.03.2017 is challenged, the petitioner could not challenge the subsequent impugned order. Even otherwise, I do not find any merit in the contention of the petitioner to interfere with the order dated 14.06.2017 since the contention is completely devoid of merit and the learned trial Court has considered all the contentions of the petitioner.

6. Thus, in the aforesaid facts and circumstances, the order dated 14.06.2017 passed by the learned Munsif, Danapur



in Title Eviction Suit No. 15 of 2011, is affirmed and as a result,  
the instant petition stands dismissed.

(Arun Kumar Jha, J)

Prakash/-

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