IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Revision No. 20 of 2009

Mrs. Deepawali Paul, aged about 76 years, W/o Late Malchi Zedek Paul (Paulus), Resident of Village – Gangutoli, P.O. and P.S. – Chutia, District – Ranchi, Jharkhand.

….. Defendant / Petitioner

Versus

Jaswant Barla, S/o Late Junas Barla, Resident of GEL Church Compound, Main Road, P.O. & P.S. – Chutia, District – Ranchi, Jharkhand.

….. Plaintiff / Opp. Party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rahul Kumar Gupta, Advocate.
For the Opposite Party : Mr. Badal Vishal, Advocate.

Order No. 26 / Dated : 11th December, 2025

1. Heard learned counsel for the petitioner as well as learned counsel for the opposite party.

2. The instant civil revision is directed against the judgment dated 21.03.2009 (decree signed on 31.03.2009) passed by learned IIIrd Additional Munsif, Ranchi in Eviction Suit No. 43 of 1999, whereby and whereunder the trial court has decreed the suit of the plaintiff on the ground of bonafide requirement of personal use and occupation under Section 11 (1)(C) read with Section 14 (1) of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 and directed the petitioner (defendant) to handover the vacant possession of the suit premises within two months from the date of

the judgment / order, failing which, plaintiff shall be at liberty to get the vacant possession of the suit premises through the process of the court.

3. The factual matrix giving rise to this revision is that the plaintiff / opposite party has instituted a suit under Section 11 (1)(C) read with Section 14 (1) of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 in the court of learned Additional Munsif-III, Ranchi, being Eviction Title Suit No. 43 of 1999, claiming relief of eviction of the defendant / tenant from the suit premises on the ground of bonafide personal requirement for own use and occupation of the plaintiff. It is stated that the suit premises was purchased by mother of the plaintiff namely, Smt. Clara Margret Barla through registered sale deed executed by one Shanti Sheila Nelie Ban vide Deed No. 3056 dated 23.05.1958 (Exhibit-8). The mother of the plaintiff mutated her name after purchase of the suit premises before the Circle Officer, Ranchi as well as in Ranchi Municipal Corporation and paying municipal taxes and other cess (vide Exhibit-1, 2, 3 & 4).

It is further alleged that Smt. Clara Margret Barla during her life time in the year 1965 inducted Sri Suresh Minz as month-to-month tenant with respect to two rooms out of the suit property on monthly rent of Rs. 20/- per month.

It is further alleged that in the year 1967, one V.P. Paulus (since deceased), husband of defendant no. 1 and father of defendant no. 2 was inducted as month-to-month tenant with respect to rest portion of suit premises (four rooms) on monthly rent of Rs. 30/- per month on a mutual agreement basis. Thereafter, rent was increased from time to time. After death of V.P. Paulus in the year 1975, his wife (defendant no. 1) and his son (defendant no. 2) along with other family members residing therein as tenants. It is further alleged that Plaintiff's mother Smt. Clara Margret Barla in her life time issued notices to the tenants for vacating the suit premises for her personal necessity and for her own use and occupation vide notices dated 02.02.1967, 13.04.1969 and 04.07.1975 (Exhibit-9, 9/A & 9/B respectively).

It is further alleged that Sri Suresh Minz, who joined Bihar Judicial Service has shifted his family to Dhanbad and handed over vacant possession of the two rooms to the plaintiff's mother in the month of January, 1971. Inspite of receipt of notice, the father of the defendant no. 2 namely, V.P. Paulus (deceased) did not vacate the suit premises and rather with consent of the plaintiff's mother occupied the entire suit premises from 2nd January, 1971 when Sri Minz vacated the same. Thus, the defendants continued living as

tenants in entire suit premises and they paid rent to the mother of the plaintiff till her death.

It is further alleged that Smt. Clara Margret Barla by virtue of registered sale deed dated 18.06.1984 vide Deed No. 8085 sold the entire suit property to her son Jaswant Barla (Plaintiff) for valuable consideration and the plaintiff has also purchased the right to realize the rent of the suit property since the date of purchase of the suit property i.e. from the year 1984 from the defendants. The plaintiff has also mutated his name in the Circle Office, Ranchi as well as in the Ranchi Municipal Corporation and paying taxes continuously. After the said purchase, the defendants attorned the plaintiff as their landlord and started making payment of rent at the rate of Rs. 300/- per month. The defendants paid rent till 30th December, 1991 and stopped paying rent from the month of January, 1992 without any reason. The plaintiff along with his brother and their family members are residing at present in a quarter belonging to G.E.L. Church allotted to his father when he was Principal of Gossner High School and after the death of his father in 1963, the Board of Property of G.E.L. Church has issued notices to the plaintiff and his brother to vacate the said quarter and for that reason, the plaintiff seeks ejection of the defendants from the suit premises to take shelter in his own house along with his family and

with his brother's family. The plaintiff requested the defendants several times and also sent notices through his lawyers to vacate the suit premises and to pay arrears to rent, but the defendants did not vacate the suit premises and did not pay arrears of rent, rather disputed the title of the plaintiff and with all malafide intention to grab the suit property, instigated and financed one Mangal Lakra to file title suit bearing Title Suit No. 338 of 1985 in the court of Sub-Judge, Ranchi, which has been dismissed by the judgment dated 21.06.1999 and confirmed the title of the plaintiff over the suit property. Hence, the present suit for eviction of the defendants and other persons.

4. The defendants appeared and filed their separate written statement denying the contents of the Plaint. The specific case of defendants lies in denial of ownership of the plaintiff as well as the defendants were never inducted as tenant by plaintiff or his ancestor as pleaded. The defendants were inducted by predecessor of Mangal Lakra. The suit property was originally belonged to one Jhari Oraon, who died leaving behind his widow, Most. Birsi (since deceased) and two sons namely, Budhu and Sahdeo, who have also died. It is further alleged that Late Sahdeo died leaving behind his two sons namely, Rijhuwa and Potla and Late Budhu died leaving behind three sons namely, Fucha, Kocha and Botton Oraon. Botton

Oraon also died without having any male issues. Fucha Oraon also died in the year 1972 leaving behind his wife and daughters namely, Shanti, Sumati, Sushma, Sunita and Mochas and also three sons namely, Mangal Lakra, Ajit Lakra and Ajay Lakra and they are the true owner and landlord of the suit property.

The plaintiff has got no right, title and interest over the suit property. The allegation that the suit property was originally owned and belonged to Shanti Sheila Ban is absolutely false and concocted story. Neither the plaintiff nor his mother ever came in possession and acquired any title through alleged purchase.

It is further alleged that Shanti Sheila Neli Ban (from whom the mother of the plaintiff has purchased the suit premises) filed a title suit being Title Suit No. 501 of 1962 in the court of Munsif at Ranchi for a decree of perpetual injunction against Late Fucha @ Pocha and others, which was dismissed on contest with a clear cut finding that the sale deed dated 01.08.1916 by virtue of which the said Shanti Sheila Neli Ban claims title over the suit property does not and cannot relate to the suit property. The said Shanti Sheila Neli Ban never filed appeal against the judgment and decree passed in Title Suit No. 501 of 1962. It is further pleaded that suppressing the aforesaid fact, the plaintiff filed an application for permission under Section 46 of the C.N.T. Act to sell the suit property in favour

of Martha Khess before the Rent Suit Deputy Collector, Ranchi vide Misc. Case No. 594 R 811 of 1993-94, which was granted in his favour. Thereafter, the owners of the suit property i.e. Mangal Lakra, his brothers and his sisters challenged the aforesaid order by preferring an appeal before the Deputy Commissioner, Ranchi and the said order for permission was set aside on the ground that the Shanti Sheila Neli Ban had not obtained permission from the Deputy Commissioner before execution of the sale deed in favour of plaintiff's mother Clara Margret Barla, therefore, no question of inducting the defendants by plaintiff or his mother arise. Mangal Lakra is the true owner. The defendants were inducted as tenant over the suit property by Fucha Lakra. The defendants have also denied the issuance of any notice by mother of the plaintiff or plaintiff himself for evicting the suit premises. It is further alleged that a Title Suit No. 338 of 1985 was filed by Mangal Lakra against the plaintiff for declaration of his right, title and interest over the suit premises, which was dismissed, but Title Appeal No. 46 of 1999, arising out of the said judgment is still pending before the Additional Judicial Commissioner, Ranchi, therefore, the suit of the plaintiff for eviction of the defendants from the suit property is liable to be dismissed.

5. On the basis of pleadings of the parties as many as seven

issues were settled by the learned trial court for adjudication, which are as under:-

(1) Is the suit as framed maintainable in its present form?

(2) Whether the plaintiff has got valid cause of action for the suit?

(3) Whether the suit is barred by law of limitation, waiver, estoppal and acquiescence?

(4) Whether there is any relationship of landlord and tenant between the plaintiff and the defendants?

(5) Whether the plaintiff requires the suit premises reasonably and in good faith for his own use and occupation? Are defendants liable to be evicted on this ground?

(6) Whether the purpose of the plaintiff will be served by partial eviction of the defendants?

(7) Whether relief or reliefs the plaintiff is entitled for?

6. In the course of trial, plaintiff/opp. party has examined following witnesses:-

P.W.-1 Jairam Singh

P.W.-2 Atal Khess

P.W.-3 Jaswant Barla (plaintiff)

7. Apart from oral evidence, the plaintiff/opp. party has also adduced documentary evidence as under:-

Ext.-1 to Ext.-6	Municipal Rent Receipt in the name of Clara Marget Barla and Jaswant Barla
Ext.-7 and 7/A	Rent Receipt in the name of Jaswant Barla
Ext.-8	Sale Deed dated 23.05.1958 executed by Shanti Shiela Nelie Ben in favour of Clara Marget Ben
Ext.- 8/A	Sale deed bearing No. 8464 dated 18.06.1984
Ext.-9	Notice dated 02.02.1967 by Clara Marget Barla addressed to Suresh Minz
Ext.-9/A	Notice dated 13.04.1969 addressed to V.P. Paulus and Sri Suresh Minz
Ext.9/B	Notice dated 04.07.1975 addressed to V.P. Paulus
Ext. 9/C	Notice dated 14.06.1994 addressed to Sri Amrit Ram Sahu Advocate for Jaswant Kumar Barla
Ext. 9/D	Notice dated 06.11.1993 addressed to Sri Malki Zedek Pillai

Ext. 9/E Notice dated 28.10.1998 addressed to Milki Zedak Paulus

Ext.-10 Correction Slip in favour of Jaswant Kumar Barla and,

Ext.-11 Postal Receipt

8. On the other hand, defendants/petitioner has examined following witness:-

D.W.-1 Manjar Alam

D.W.-2 Mangal Lakra

D.W.-3 Sumti Tirkey

D.W.-4 Milki Zedek Pillai

9. Apart from oral evidence, the defendants/petitioner has also adduced documentary evidence as under:-

Ext.-A Certified Copy of the Judgement Dated 24.08.1963 passed in Title Suit No. 501/1964 of 1962-63

Ext.-B Certified Copy of Order dated 19.10.1996 passed by D.C. Ranchi

Ext.-C Certified Copy of Order dated 05.06.1961 passed in Cr. Appeal No. 90/1961

10. The decision on core Issues Nos. 4 & 5 are the main grounds for challenging the impugned judgment by filing this revision application.

11. During pendency of this revision application, original defendants namely, Smt. Sera Pillai, Wife of Late V.P. Paulus and Malchi Zedek Pillai (Paulus), Son of Late V.P. Paulus died and their legal heir and representative namely, Mrs. Deepawali Paul, Wife of Late Malchi Zedek Paul (Paulus) has been substituted.

12. Learned counsel for the petitioner has submitted that the learned trial court has miserably failed to appreciate that the petitioners were never tenant either of the plaintiff or his mother or their predecessor in title. There is no relationship of landlord and tenant between the plaintiff and defendants at any point of time, rather the defendants are the tenant of predecessor of Mangal Lakra. The plaintiff has miserably failed to prove the relationship of landlord and tenant between the parties. The learned trial court has further committed serious illegality and acted with material irregularity by not considering the documentary evidence adduced by the defendant / petitioner, which clearly goes to show that the predecessor in title of the plaintiff namely, Shanti Sheila Nelie Ban was never owner of the suit property and had no title over the same to validly transfer in favour of plaintiff's mother through sale deed,

rather her own right, if any, in respect of suit property was overruled and negated by the court of learned Munsif in Title Suit No. 501 of 1962. Therefore, this civil revision petition is fit to be allowed.

13. On the other hand, learned counsel for the plaintiff / opposite party has submitted that the learned trial court has very wisely and aptly examined the oral as well as documentary evidence adduced by the parties and rightly held that the plaintiff is landlord of the suit premises and defendants are tenants. The learned trial court has also found sufficient evidence to prove the bonafide requirement of the plaintiff / opposite party and further partial eviction of the defendants from the suit premises will not suffice the bonafide personal requirement of the plaintiff / opposite party. Therefore, this civil revision petition has no merit and is liable to be dismissed.

14. I have given anxious consideration to the rival contentions raised on behalf of the both parties. It appears that all the issues including the issues with respect to landlord and tenant relationship and bonafide requirement as well as the issue of partial eviction of the defendants from the suit premises have been decided by the learned trial court in favour of plaintiff / opposite party. It appears that the main defence of the defendants is that the plaintiff is not the owner / landlord of the suit property and thereby has challenged the title of the plaintiff as landlord. The defendants have claimed

that they are tenant of one Mangal Lakra, but the said Mangal Lakra has disputed the title of the plaintiff and filed Title Suit No. 338 of 1985, which was dismissed vide judgment dated 21.06.1999 and confirmed the title of the plaintiff over the suit property and declared that the said Mangal Lakra and others have no right, title and interest over the suit property. It further appears that against the order dated 21.06.1999 passed in Title Suit No. 338 of 1985, an appeal is still pending.

It further appears that the plaintiff has filed documents i.e. Exhibit-8, Exhibit-8/A, Exhibit-10 and Exhibit-1 to 7/A, which shows the ownership and possession of plaintiff over the suit property. The said documents have not been cancelled by any order of the competent court. Further notice issues by mother of the plaintiff and the plaintiff in the name of V.P. Paulus and after his death against the defendants goes to establish that there exist relationship of landlord and tenant between the plaintiff and defendants.

It further appears that the learned trial court has also considered the oral as well as documentary evidence and found that the evidence is sufficient enough to prove the bonafide requirement of the plaintiff / opposite party and further partial eviction of the defendants from the suit premises will not suffice the bonafide

personal requirement of the plaintiff / opposite party.

15. It is well settled principle of law as laid down under Section 116 of the Evidence Act that no tenant of immovable property or person claiming through such tenant shall during the continuance of tenancy be permitted to deny the title of landlord. Further, it is also settled principle of law that no tenant can dispute the title of the landlord and a tenant who came in possession of rented premises through a rent deed executed by landlord cannot subsequently challenge the landlord's ownership especially after having paid rent.

16. In the case of ***Jyoti Sharma Vs. Vishnu Goyal & Another*** reported in ***2025 LiveLaw (SC) 1081***, it has been held that "*It is trite that in a suit for eviction, the proof of ownership of the tenanted premises is not to be strictly looked at as in a suit for declaration of title*". In the instant case the plaintiff has substantially proved its title over the suit property and relationship of landlord and tenant by virtue of oral as well as documentary evidence (such as Exhibit-7 & 7/A, which is the rent receipt in the name of Jaswant Barla, the plaintiff). Further Exhibit-9/A and 9/B shows that plaintiff's mother had sent notice to V.P. Paulus to vacate the premises. Despite the issuance of notice, V.P. Paulus did not vacate the suit premises. V.P. Paulus died in the year 1975 and

plaintiff purchased the suit property from her mother vide registered sale deed dated 18.06.1984. Thereafter, plaintiff gave notice to the defendant vide Exhibit-9/D and 9/E to vacate the suit premises. Despite service of notice defendant did not vacate the suit premises. Thus, this shows presumption of attornment.

17. From the aforesaid discussion and reasons, I find that the learned trial court has considered all aspects of the matter and there is no valid reason to take different view or interfere with the impugned judgment and decree. Accordingly, the instant Civil Revision is dismissed.

18. Pending I.A, if any stands closed and disposed of, accordingly.

19. Let a copy of this order be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

December 11, 2025
Sunil/
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