IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Revision No. 32 of 2012

Manish Kumar Agarwalla, son of Sri Kamanaya Lal Agarwalla, resident of Panchgarhi Bazar, Katras, P.O. & P.S. Katras, Dist.-Dhanbad

... ... Defendant/Petitioner

Versus

Charitar Prasad Sharma, son of Late Kedar Nath Sharma, resident of Panchgarhi Bazar, Katras, P.O. & P.S. Katras, Dist. Dhanbad

… …Opp. Party/Plaintiff

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mrs. J. Mazumdar, Advocate
For the Opp. Party : Mrs. Mohua Palit, Advocate

Order No. 39/ Dated: 11th December, 2025

Heard learned counsel appearing for the petitioner as well as Opp. party.

2. The instant Civil Revision is directed against the impugned judgment dated 02.06.2012 (decree singed on 14.06.2012) passed in Title Eviction Suit No. 07 of 2004 by Learned Civil Judge, Junior Division-II, Dhanbad, whereby and whereunder the suit filed by the plaintiff/opp. party was decreed and the petitioner/defendant has been ordered to vacate the suit premises within two months from the date of order, failing which, the plaintiff shall obtain the possession through process of court along with the cost of the suit.

3. Factual matrix giving rise to this revision is that the plaintiff/opp. party has instituted a Title Eviction Suit No. 07 of 2004 seeking a decree for eviction of the defendant from the tenanted suit premises. The case of the plaintiff is that he is owner of the shops situated in Khata No. 13, Plot No. 99 (old) of Mouza Shyamdih, P.S. Katras, Dist.-Dhanbad and

inducted the defendant as a tenant on the basis of rent note dated 01.12.1998 fixing monthly rent of Rs. 1500/-. The plaintiff carries workshop of Automobiles and the above shops are situated just beside his workshop. It is further alleged that since the workshop business of the plaintiff has expanded in the course of time, hence plaintiff requires the suit premises for his personal bona fide use and occupation to extend his own business. The plaintiff sent a legal notice dated 25.11.2000 to the defendant with respect to vacate the suit premises but no reply was sent. The defendant is not acceding to any oral request of the plaintiff and ultimately, flatly denied to vacate the suit premises on 05.03.2004, which furnished the cause of action for the suit. Accordingly, title suit No. 07 of 2004 was instituted but the defendant did not appear to contest and the suit proceeded ex-parte vide order dated 16.07.2004. The defendant later on appeared on 06.08.2004 and requested before the learned trial Court to accept his written submission and leave to contest which was dismissed vide order dated 07.10.2005. The defendant challenged the aforesaid order by filing W.P.(C) No. 35 of 2006 before the Hon'ble High Court which was also dismissed vide order dated 07.03.2006. Thereafter, the defendant filed civil review No. 47 of 2006 which was also dismissed on 15.01.2010. It is also pleaded that since the suit against the defendant proceeded ex-parte, hence the plaintiff filed a petition under Section 14(4) requesting eviction of tenant/defendant who has not filed any objection/written statement but the same was dismissed vide order dated 23.03.2006, then plaintiff against said dismissal filed W.P. (C) No. 3466 of 2006 which was also dismissed vide order dated

13.06.2009 with direction that "it is well settled that even for passing ex-parte decree of eviction on the ground for personal necessity the Court has to be satisfied that the personal ground exist and a decree for partial eviction will satisfy the requirement or not."

4. The learned trial Court has settled following issues for determination:-

(i) Whether there exists a landlord tenant relationship between the original plaintiff and original defendant?

(ii) Whether the suit premise required for the personal use of the original plaintiff was Bonafide?

(iii) Whether the personal necessity of the original plaintiff will be satisfied on partial eviction?

(iv) Whether the original plaintiff comes within the purview of owner in terms of Section 11(1)(c) of BBC Act of 2000.

(v) Whether the plaintiff is entitled for any other relief?

5. In the course of trial, altogether six witnesses were examined by the plaintiff namely P.W.-1 Balram Rawani, P.W.-2 Krishna Prasad Jayaswal, P.W.-3 Janardan Singh, P.W.-4 Charitra Prasad Sharma, P.W.-5 Suresh Prasad Singh and P.W.-6 Kailash Prasad Lala.

6. Apart from oral testimony of witnesses, following documentary evidences has also been adduced:

Ext.1 -Rent Note dated 01.12.1998 between Manish Agarwalla and Charitar Prasad Sharma

Ext. 2 -Reply dated 22.12.2000 by Advocate on behalf of Defendant to Advocate on behalf of Plaintiff

7. The learned trial Court after evaluating the evidence adduced by the plaintiff decided all the issues in favour of the plaintiff and decreed the suit which has been assailed in this revision.

8. Learned counsel for the petitioner submits that in view of the specific provisions of Section 11(1)(c) of the Bihar Building (Lease, Rent and Eviction) Control Act, the landlord seeking eviction of the tenant on the ground of personal necessity must be owner of the premises. Although the term "landlord" has been defined elaborately which does not require ownership of the property. In the instant case, the original plaintiff was examined as P.W.-4 who has not filed any documentary evidence showing his title over the suit property rather he has produced the documents in connection with lands and premises pertaining to Khata No. 22, Plat No. 119, 120, 121 and 128. Although suit property pertains to Khata No. 13, Plot No. 99. The plaintiff himself admits in his evidence that C.S. Khatiyan of Khata No. 13, Plot No. 99, Mouza Shayamdih is **recorded in the name of State of Bihar (now State of Jharkhand).** The original plaintiff had also instituted a title Suit No. 77 of 2003 against one Saryu Rai, who had also instituted a title Suit No. 152 of 2000 with respect to the suit premises. Under such circumstances, it is crystal clear that the plaintiff is not owner of the suit premises rather it belongs to State Government and the learned trial Court only on the basis of landlord tenant relationship as per definition of "Landlord" under Section 2(f) of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2000 has wrongly held the plaintiff as owner of the suit premises. Learned counsel for the petitioner has also assailed

the impugned judgment on issue of partial eviction of the defendant decided by the learned trial Court as well as personal bona fide requirement of the plaintiff of the suit premises for his own personal use and occupation.

9. On the other hand, learned counsel for the opp. party/plaintiff has vehemently opposed the aforesaid contentions raised on behalf of the petitioner and submitted that the learned trial Court has very wisely and aptly touched the aforesaid issues vide issue No. 1, 4 and 5 and decided the aforesaid issues in the light of reported judgments as well as in the light of evidence adduced in the case relied on by the parties. Learned trial Court has very wisely interpreted the provision of Section 2(f) of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2000 which defines the term “landlord” and also the definition of word “tenant”. It is well settled principle of law as annunciated under Section 116 of the Indian Evidence Act that the tenant cannot go behind the ownership of his landlord and if he is inducted by a person as a tenant, he is estopped from claiming that the person who inducted him is not owner of the property. The definition of landlord does not include the ownership of property, moreover, for eviction of the tenant under any of the grounds under Section 11 of the Bihar Building (Lease, Rent and Eviction) Control Act does not require that the landlord must be owner of the property. Litigation about the ownership is still pending with the State Government and the plaintiff. There is no doubt that the plaintiff is in possession of the suit premises without any interruption or hindrance at the instance of the State government. Therefore, plea taken by the

petitioner is absolutely absurd and not tenable under law. Therefore, well-reasoned judgment and decree passed by the learned trial Court suffers from no illegality or infirmity calling for any interference in this revision which is devoid of merits and fit to be dismissed.

10. I have gone through the rival contentions of the parties and also perused the record along with the impugned judgment.

11. From perusal of record along with impugned judgment, it appears that admittedly, the petitioner (defendant) is tenant of the plaintiff. Although, disputed property is situated at government land and defendant has alleged that owner of the property is the Government not the plaintiff, but it is also clear from the record that plaintiff has filed title suit No. 77 of 2003 against the Government of Bihar which is pending. It is trite that in a suit for eviction, the proof of ownership of the tenanted premises is not to be strictly looked into as in a suit for declaration of title. It is also settled law that tenant who entered premises under landlord's rent deed cannot later dispute his ownership.

Section 2(f) of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2000 defines "landlord" thus:

> "*Landlord" includes the persons who for the time being is receiving are is entitled to receive the rent of a building whether on his own account or on behalf of another, or on account of or on behalf of, for the benefit of himself and others or as an agent, trustee, executor, administrator, receiver, guardian or who would so receive the rent are being entitled to receive the rent, if the building were let to a tenant".*

Thus, the landlord includes the person who for the time being receives or entitled to receive rent of a building. The plaintiff has not to prove that he is the owner of the suit premises but he has to prove that he is the landlord of the suit premises under the provisions of Jharkhand Building (Lease, Rent and Eviction) Control Act, 2000. From the record, it is clear that plaintiff has successfully proved that he is the landlord of the suit premises and also realized the rent from the defendant. Therefore, plaintiff is the landlord of the suit premises. From the perusal of the record, it also appears that learned trial Court has given thoughtful consideration to the issues settled for determination of the case and accordingly decided all the issues in favour of the plaintiff and has rightly come to the conclusion that the plaintiff is the landlord and given a direction to vacate the suit premises within two months on the ground of *bona fide* requirement for personal use and occupation of landlord.

12. Therefore, I do not find any jurisdictional error in the impugned judgement and decree calling for any interference by way of this revision which appears to be devoid of merits. **Accordingly, the instant revision stands dismissed.**

13. Pending I.As or interim orders, if any, stand disposed, accordingly.

14. Let a copy of this order along with the Trial Court Record be sent back to the concerned Court for information and needful.

(Pradeep Kumar Srivastava, J.)

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