

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.330 of 2025**

**In
CIVIL REVISION No.177 of 2024**

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Ramjee Prasad Son of Late Bainath Sao, Resident of Mohalla - Bakarganj,
Gola Raod, P.O. - Bankipur, P.S. Pirbahore, District- Patna.

... .. Petitioner/s

Versus

Vijay Kumar Son of Late Prayag Sao, Resident of Mohalla - Bakarganj, Gola
Road, P.O. - Bankipur, P.S. - Pirbahore, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Mishra
For the Respondent/s : Mr.Mrigendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER**

4 30-01-2026 The instant civil miscellaneous application has

been filed against the order dated 18.09.2024 passed in Title

Eviction Suit No. 96 of 2011 by learned Civil Judge (SD)

IV, Patna whereby the amendment application by way of

amendment in the written statement filed by the defendant

under Order VI Rule 17 of CPC has been allowed.

2. Learned counsel for the petitioner submits that,

in Annexure-1, (the amendment petition) the defendant has

clearly admitted that he is a tenant of the suit premises;

however, it is specifically contended that the plaintiff is not

the absolute owner/landlord of the triple-storied house

bearing No. 73/65, Circle No. 9, Ward No. 37.



3. It is further submitted that the present case has been filed under the provisions of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982, wherein the Court is required to examine only whether the relationship of landlord and tenant exists in respect of the suit property or not? The extent of the ownership or the total share of any party is not required to be examined and it is not an issue in the present case.

4. Moreover, learned counsel for the respondent submits that he is not inclined to adduce any further oral or documentary evidence, which fact has also been recorded in the impugned order. Since the case is at the stage of final arguments. Hence the proposed amendment is not going to create any hindrance or affect the outcome of the case in any manner, because the title or share of the landlord in respect of the suit property is not under consideration. The only issue to be decided in this case is the existence of the relationship of landlord and tenant between the parties.

5. In the above circumstance, learned Trial Court is requested to dispose of this matter as early as possible preferably within a period of two months. Both the parties



are also directed to diligently co-operate in the trial.

6. With the aforesaid, the instant application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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