

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1137 of 2025

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Kanhaiya Lal Keshri Son of Late Prahlad Prasad, Resident of J- 36, Peoples Co-operative Colony, Kankarbagh, P.S.- Kankarbagh, Town and District- Patna.

... .. Petitioner/s

Versus

1. Pratibha Srivastava Wife of Dr. Arvind Kumar Sinha, Resident of House No.- J- 36, Peoples Co-operative Colony, Kankarbagh, P.S.- Kankarbagh, Town and District- Patna.
2. Dr. Arvind Kumar Srivastava @ Dr. Arvind Kr Sinha, Son of Sri Prabhu Nath Prasad, Resident of House No.- J- 36, Peoples Co-operative Colony, Kankarbagh, P.S.- Kankarbagh, Town and District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Verma
For the Respondent/s : Mr.Pankaj Maijorwar

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

3 03-02-2026 The present civil miscellaneous application has been filed against the impugned order dated 11.07.2025 by which the learned Trial Court has passed order directing the petitioner/defendant to deposit a rent of Rs. 10, 000/- from June 2024 to July 2025 by way of arrears of rent within 15 days of this order and further directed to deposit future rent by 15th day of each succeeding month in the Court. None of the party shall withdraw the same until the final disposal of the suit.

2. Learned counsel for the petitioner submits that respondent/plaintiff has filed Eviction Suit No. 60 of 2024 after purchasing the suit property from one Banke Bihari Lal through



registered deed of sale. Petitioner/defendant was tenant of the said Banke Bihari Lal and he has stopped the payment of rent to the respondent/plaintiff consequently, the eviction suit has been filed on the ground of personal necessity of the suit property. Learned counsel for the petitioner further submits that the petitioner is not a tenant of the present plaintiff and this fact has not been pleaded in the written statement. However, on this point, learned counsel for the respondent submits that in the rejoinder to the petition filed under Section 15 of the Bihar Buildings (Lease, Rent & Eviction) Control Act, the petitioner has admitted that he was a tenant of Banke Bihari Lal. Neither party has disclosed the rate of rent allegedly being paid by the plaintiff/defendant, and there is no averment in the plaint or the written statement with respect to the last paid rent.

3. It is surprising that on what basis a sum of Rs. 10,000/- per month has been awarded to the plaintiff to be realised from the defendant, as the same is not clear from the case record. Section 15 of the Bihar Buildings (Lease, Rent & Eviction) Control Act contemplates an order for deposit of rent by the tenant in a suit for eviction at the rate at which rent was last paid. However, in the present case, it is completely silent as to what the last paid rent was, as neither has the plaintiff averred



the same in the plaint nor has the defendant admitted any such rate of rent having been paid.

4. In view of the aforesaid, the impugned order dated 11.07.2025 is set aside and the present civil miscellaneous application stands allowed.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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