


आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

-: 1 :-

07.07.2021	<p style="text-align: center;">IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;">J.B.C. Appeal No.- 55 R 15 OF 2019-20</p> <p>Navneet Kumar Mishra, Son of Sri Gupteshwar Nath Mishra Resident of Village- Tati, P.S. Tatisilway, District - Ranchi</p> <p style="text-align: right;">..... Appellant</p> <p style="text-align: center;">-Versus-</p> <p>Md . Ashraf Azad, Son of Late Qurban Ali, Resident of Village - Machhargawa, P.S. Korwa, District- Motihari (Bihar)</p> <p>At Present Residing at Raj Furniture, situated at Village- Tati, P.S. Tatisilway, District - Ranchi</p> <p style="text-align: right;">..... Respondent</p> <p style="text-align: center;">ORDER</p> <p>Present appeal under Section 36 of the J.B.C. Act 2011 has been preferred against the order dated 10.01.2020 passed by the Learned House Rent Controller - Cum - Sub-Divisional Officer, Ranchi in J.B.C. Case No. 47/2019, wherein and whereunder, the Learned House Rent Controller, Ranchi dismissed the application U/s 19 (1) (b) & (d) of the JBC Act seeking eviction of the respondent from the premises standing over the land appertaining to Khata No.-146, Plot No.-1260 area 300 Sq.Ft. of Village Tati, P.S Tatisilwai, District Ranchi.</p> <p>Inspite of proper service of summon upon the respondent and thereafter publication of summon in daily newspaper "Dainik Jagran" dated 15.04.2021, no one appeared on behalf of the respondent to argue the instant appeal. On perusal of impugned order, it appears that the respondent also did not appeared before the Learned courts below. It appears that the respondent has got no interest in this appeal. Hence after hearing the appellant, the instant appeal was fixed for passing ex-parte order against the respondent.</p> <p style="text-align: center;">According to the Learned Advocate appearing on behalf of the</p>	
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 07/07/21

तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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-: 2 :-

appellant, the learned courts below has dismissed the application preferred by the appellant by holding that there exist no relationship of landlord and tenant between the appellant and the respondent.

The appellant is the owner of a dilapidated shop (made of mud) standing over a portion of R.S. Plot No. 1260, Khata No. 146, area 300 Sq.Ft. out of 9 decimals, situated at Village- Tati, P.S. Tatisilwai, P.S. No. 173, District- Ranchi. The appellant has acquired the aforementioned property by virtue of a registered Deed of Gift being Deed No.- 8581, executed by his father and one Shrikant Mishra out of their own shares . The respondent was actually inducted as a month to month tenant by his father sometime in the year 2012 on a monthly rent of Rs. 2400/-. He used to run his business, under the name and style of Raj Furniture and use to remit rent to his father. The appellant's father after alienating the said premises to the appellant, instructed the respondent to remit the rent to the appellant. Since then the respondent started remitting rent with respect to the said premises to the appellant, but suddenly in the month of May 2018, the respondent stopped remitting rent to him. The respondent has defaulted in paying rent to the appellant for more than two consecutive months. He has made himself liable to be evicted from the premises in question

Apart from above, the condition of the said premises has been decorated and there is every chance that the same may fall at anytime causing harm to anyone. The appellant has repeatedly requested the respondent to vacate the premises in question, but did not vacated the same till date.

Heard the appellant. On perusal of material available on record, I find that, the learned courts below has erred in holding that there is no relationship of landlord and tenant between the appellant and respondent. The respondent has not rebutted the claim of the

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09/01/21

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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- 3 -

	<p>appellant. Neither he appeared before the learned courts below, nor he has made his appearance before this court, inspite of proper service of notice and publication of notice in the daily newspaper. It appears that he has no claim upon the premises in question. It has been established by the appellant that he is the owner of the premises in question. He has acquired the premises in question by virtue of the deed of gift being Deed No.- 8581, executed by his father and one Shrikant Mishra. Hence in absence of any counter claim, it can be presumed that there exists relationship of landlord and tenant between the appellant and respondent.</p> <p>For the reasons aforementioned, this appeal is allowed. The impugned order dated 10.01.2020 passed by the Learned House Rent Controller - Cum - Sub-Divisional Officer, Ranchi in J.B.C. Case No. 47/2019 is hereby set-aside. The respondent is directed to vacate the premises in question within fifteen days from passing of this order, failing which the appellant would have liberty to get the premises in question vacated by filing appropriate application for the execution of this order before the learned courts below.</p> <p>Communicate this order to the House Rent Controller - Cum - Sub-Divisional Officer, Sadar, Ranchi for information and necessary action.</p> <p style="text-align: center;">Dictated & Corrected <i>[Signature]</i> Deputy Commissioner Ranchi</p> <p style="text-align: center;"><i>[Signature]</i> Deputy Commissioner Ranchi</p>	<p>order communicated to S.D.O Sadar cum Sr. Controller Ranchi alongwith Record J.B.C. 47/2019 (Mandate) Mr. Mishra & Mr. Asraf Azmat for information and necessary action vide memo no 1588 (ii) dt 24/1/21</p> <p><i>[Signature]</i> 24.1.21</p>
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