

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 159 of 2022

Anuj Kumar Mishra and others	...	...	Appellants
Versus			
Nimai Das	...	...	Respondent

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mrs. Niharika Mazumdar, Advocate
For the Respondent :

18/25.11.2025 Heard the learned counsel appearing on behalf of the appellants.

2. This appeal has been filed against the judgment and decree dated 07.07.2022 (decree signed on 18.07.2022) passed by learned Principal District Judge, Pakur in Civil Appeal No. 12 of 2019 whereby the learned 1st appellate court dismissed the appeal and affirmed the judgment and decree dated 26.06.2019 (decree signed on 06.07.2019) passed by learned Civil Judge (Senior Division)-I, Pakur in Title (Eviction) Suit No. 06 of 2014. The learned trial court had dismissed the suit of the plaintiffs.

3. Learned counsel for the appellants has submitted that the original plaintiff claimed to be the *Sewayat* of the temple and the defendant was inducted as a tenant. She submits that the defendant filed written statement and denied the relationship of landlord and tenant, but at the same time, the defendant stated that whatever monthly payment was being paid by the defendant to the original plaintiff, was for *Bhog-Raag* of the deity and not as house rent and it was being paid in lumpsum for months together and nothing was lying due till the month of September, 2013 for the suit property.

4. The learned counsel further submits that the rent receipts (exhibits- 1 to 1/8) were marked without objection and learned trial court has discarded these documents by saying that the same was not duly proved. She submits that the sole witness on behalf of the plaintiffs had identified the signature and he was substituted after the death of the original plaintiff. She submits that the rent receipts were

also duly proved and it stood admitted in the written statement that monthly payments were required to be paid.

5. The learned counsel further submits that the learned trial court dismissed the suit and the learned 1st appellate court has dismissed the appeal without considering the written statement and exhibit- 1 to 1/8 which was duly proved which were enough to hold that there was landlord-tenant relationship between the parties. She submits that there was no scope for the learned court to enter into the title dispute in connection with the plaintiff as one Title Suit by the plaintiff seeking declaration of title, was pending. She submits that the judgments are perverse and the substantial question of law be framed.

6. After hearing the learned counsel for the appellants, this appeal is **Admitted** for final hearing on the following substantial question of law:

“Whether the judgments and decree passed by the learned courts are perverse in the light of the written statement filed by the defendant and also in the light of exhibits 1 to 1/8?”

7. Issue notice to the respondents for which requisites etc. under speed post as well as ordinary process be filed within a period of one week from today.

8. Office to track speed post delivery and prepare appropriate office note with regard to service of notice.

9. Call for the records from the learned courts concerned.

10. Post this case on 27th January 2026.

11. Let this order be communicated to the learned courts concerned through ‘FAX/email’.

(Anubha Rawat Choudhary, J.)

Pankaj