

ITEM NO.30

COURT NO.12

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.17037/2017

(Arising out of impugned final judgment and order dated 09-03-2017 in LPA No. 2148/2015 passed by the High Court of Judicature at Patna)

SMT. SUSHILA DEVI (DEAD) THR. LRS. Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS. Respondent(s)

Date : 29-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mrs. Anjana Prakash, Sr. Adv.  
Mr. Dhiraj, Adv.  
Mr. Satish Vig, AOR

For Respondent(s) Mr. Abhinav Mukerji, AOR  
Mrs. Bihu Sharma, Adv.  
Mr. Akshay C. Shrivastava, Adv.  
Ms. Pratishtha Vij, Adv.

Mr. Jasmeet Singh, AOR  
Mr. Mahinder Singh Hura, Adv.  
Mr. Saif Ali, Adv.  
Mr. Pushpendra Singh Bhadoriya, Adv.  
Mr. Divjot Singh Bhatia, Adv.  
Ms. Rusheet Saluja, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Apart from the fact that there were disputed questions of facts and even otherwise the alternative remedy was available, as such it cannot be said that the High Court has committed any error. When we asked pointed question to the learned counsel appearing on behalf of the petitioners, how the writ petition for recovery of the rent was maintainable before the High Court, she is not in a

Contd..

position to satisfy the Court. Be that it may, it cannot be said that the High Court has committed any error in dismissing the writ petition. The present Special Leave Petition stands dismissed.

However, it is observed that if the petitioners approach the Mediation Centre at Patna High Court, an effort may be made to resolve the dispute between the parties through mediation. If, thereafter and within a period of three months, the mediation fails, in that case, if the suit is filed for recovery of the rent within a period of one month thereafter, the same be considered in accordance with law and on its own merits without raising the dispute with respect to limitation.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER