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**(2018) 09 CHH CK 0413**

**Chhattisgarh High Court**

**Case No:** REVP No. 9 Of 2018

Ishwari Prasad Kesharwani

APPELLANT

Vs

Nagar Panchayat Shivrinarayan

RESPONDENT

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Date of Decision: Sept. 26, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Vivek Tripathi, Sourabh Sharma

**Final Decision:** Disposed Of

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### **Judgement**

Prashant Kumar Mishra, J

1. After hearing learned counsel for the parties, it appears, there is mistake of calculation while allowing arrears of rent in favour of the plaintiff

landlord. The applicant was held liable to pay rent @ 50/- per month, which comes to Rs.1,800/- for a period of 3 years immediately prior to the date

of filing of suit. Since this Court has found that the plaintiff has already paid an amount of Rs.1,800/-, which has been deducted from the decree

passed by this Court, the defendant would thus not be liable to pay any amount as the arrears of rent for 3 years i.e. Rs.1,800/- has already been paid.

The judgment and decree passed by this Court thus stands modified to the extent that the applicant/defendant shall hand over vacant possession of the

suit house within a period of 2 months from today. There shall be no decree for arrears of rent.

2. Learned counsel for the applicant has raised some other grounds to seek review of the order passed by this Court on merits, however, the same

cannot be allowed as it will amount to permitting the applicant to argue the appeal afresh in the garb of review petition, which is not permissible in law

as held by the Supreme in the matter of Lily Thomas etc. v. Union of India and others, reported in AIR 2000 SC 1650.

3. The review application is thus disposed of in the above stated terms.