

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13889 of 2014

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Vijay Kumar Sah S/o- Late Thakur Prasad, Resident of Mohalla- Hajipur,
P.O./P.S./District- Khagaria Sevait of Sri Thakur Shaligramijee Maharaj, Kuchari
Road, Khagaria.

.... Petitioner/s

Versus

Binod Kumar @ Binod Kumar Paswan S/O- Late Ghanshyam Paswan, resident of
Village- Sanhauli, P.S. and District- Khagaria at present Maya Photostate Kutchari
Road, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-01-2015

Heard Mr. Rakesh Chandra, the learned counsel appearing
on behalf of the petitioner.

The present application under Article 227 of the
Constitution of India has been filed assailing the order 25.04.2014
passed by the learned court below rejecting the prayer of the plaintiff-
petitioner for direction to the defendant to deposit the arrears of rent
and pay the current and future rent under Section 15 of the Bihar
Building (Lease, Rent and Eviction) Control Act, 1982. The suit
property is admittedly a Dharamshala. The suit has been filed by the
plaintiff-petitioner claiming himself to be the Sevait of the said



Dharamshala. It has been found by the learned court below in the impugned order that the property is a registered trust under Bihar State Hindu Religious Trust Board. The suit has been filed for eviction of the defendant-respondent with further relief for realization of arrears of rent. The defendant, in his written statement, has come out with the case that he was inducted as tenant by the plaintiff and had remained so but by order dated 27.01.2000 the Bihar State Hindu Religious Trust Board has appointed him as Sevait and on that basis the defendant-respondent has denied the existing relationship of landlord and tenant in between him and the plaintiff.

It appears from the records and also from the submissions made by the learned counsel for the petitioner that the suit has been filed in the year 2001 and was decreed ex parte in the year 2003. However, the said ex parte decree has been set aside in the year 2007 and thereafter the hearing of the suit is pending.

After some argument, the learned counsel for the petitioner has converged his prayer for a direction to the learned court below to dispose of the suit at the earliest in view of the fact that the suit is pending since 2001. From the impugned order also, it appears that the learned court below has directed the parties to come forward for expeditious trial of the suit and has further directed the plaintiff to produce his evidence expeditiously. The learned counsel for the

petitioner has submitted that the only few documentary evidence is to be led on behalf of the plaintiff and, therefore, there is no impediment in disposal of the suit within a shorter period.

Considering the aforesaid facts and circumstances and stand on behalf of the petitioner, the learned court below is directed to dispose of the suit expeditiously preferably within a period of six months from the date of receipt/production of this order. It is noted that this order has been passed without notice to the respondent as in view of the nature of the order, this Court has not found it necessary to hear the respondent.

This writ application is, accordingly, disposed of with the aforesaid observations and directions.

(V. Nath, J)

Devendra/-

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