

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.67 of 2015

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Mustak Ahamad @ Chand Babu son of Late Abdul Subadan, resident of
Mohalla- Rahat Road Kiram Chak, P.O. Chapra, P.S.- Chapra Town,
District- Saran. Petitioner/s

Versus

Arshad Parwej Son of Late Md. Salinuddin, Resident of Mohalla-
Sahebganj, P.O. Chapra P.S. Chapra Town, District- Saran.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 09-12-2015 The learned counsel for the petitioner prays to

withdraw this revision application and has further submitted that

the petitioner be granted liberty to pray for restoration of the

appeal in the learned court below.

From the records, it transpires that the suit for
eviction filed against the present petitioner on the ground of
personal necessity and default in payment of rent has been
decreed. Thereafter, the petitioner filed regular title appeal before
the appellate court below. Later on, the petitioner had filed a
petition to withdraw the said appeal unconditionally and the said
prayer was allowed dismissing the appeal as withdrawn.

The present revision application, thereafter, has been
filed under Section 14 (8) of the Bihar Buildings (Lease, Rent and

Eviction) Control Act alongwith a separate petition for condonation of delay. From the facts and conduct of the petitioner and after considering the submissions on behalf of the parties, it appears that the petitioner has been deliberately lingering the matter in order to avoid and delay the process of eviction and there is substance in the submission on behalf of the learned counsel for the opposite party that the petitioner has deliberately filed the appeal in the learned court below and later on withdrew the same. The present revision application has been filed after a delay of 9 months and 22 days with the interlocutory application (I.A. No. 5894 of 2015) for condonation of delay but there is no cogent reason at all for keeping the appeal in the court below pending for nearly nine months. In this backdrop, this Court is not inclined to grant the liberty to the petitioner to pray for restoration of appeal in the learned court below after withdrawing this revision application.

Accordingly, the prayer for withdrawal of this revision application is allowed and this revision application is dismissed as withdrawn.

It is, however, observed that the opposite party shall be at liberty to proceed with the execution of the case.

Devendra/-

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(V. Nath, J)