

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20421 of 2012

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Anil Kumar S/O Sri Kant Pd. Resident Of Devi Mandir Road, Punai Chak, P.S. Shastri Nagar, Dist - Patna A/P A Tenant Of Shop No. A-14, Ist Floor, Maurya Lok Complex, Dakbanglo Road, P.S. Kotwali, Dist – Patna.

.... Petitioner/s

Versus

Sri Tarun Kumar Sinha S/O Late Rajendra Pd. Resident Of The Corner Mohalla - Mahendru, P.S Sultanganj, Dist – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 12-03-2015

Heard the learned counsel for the parties. With the consent of the parties, the present writ application is being disposed of at this stage.

The present application has been filed assailing the order whereby the petition dated 10.07.2012 filed by the defendant-petitioner in the suit for eviction seeking leave to contest the suit as envisaged under Section 14 (4) of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 has been rejected.

The learned counsel for the petitioner has submitted that earlier the eviction suit was fixed for ex parte hearing against the defendant-petitioner but later on the said order was recalled on 23.05.2012 and thereafter on 10.07.2012 within a period of 2 months,

the petitioner has filed the petition for seeking leave to contest the suit. It has been further submitted that the petitioner is ready to compensate the respondent if he is permitted to contest the suit by filing written statement.

The learned counsel for the plaintiff-respondent has submitted that the suit has been filed for eviction of the defendant from the suit premises on the ground of personal necessity alone and in that view of the matter, the respondent is more concerned with the early disposal of the suit than to prolong the litigation.

After considering the facts and circumstances of the case and the submissions on behalf of the parties, this Court is inclined to allow the leave to the petitioner to contest the suit after filing written statement without further delay and to direct the learned court below to dispose of the suit as early as possible preferably within a period of six months.

Accordingly, this writ application is allowed. The order dated 10.10.2012 is set aside and the petitioner is granted the leave to contest the suit and file his written statement within a period of four weeks. This order will be the subject to the cost of Rs. 1000/- to the plaintiff which shall be deposited along with the written statement by the defendant and the learned court below shall allow the plaintiff to withdraw the same. The learned court below is further directed to

make all endeavours to dispose of the suit as early as possible preferably within a period of six months without granting unnecessary adjournments to the parties. The learned counsel for the parties have also expressed that no delay shall be caused by the parties in disposal of the suit.

The writ application is, accordingly, allowed with the aforesaid directions.

(V. Nath, J)

Devendra/-

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