

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16439 of 2014

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Arun Kumar Gupta son of Ayodhya Prasad Gupta resident of Mohalla -
Sadar Bazar Jamalpur, P.O. and P.S. - Jamalpur, District - Munger.

.... Petitioner/s

Versus

1. Sri Manas Sah @ Manas Shaw son of Late Etwari Sah @ Etwari Shaw
2. Sri Manish Kumar son of Sri Manas Shaw Both residents of Mohalla -
Sadar Bazar Jamalpur, P.O. and P.S. - Jamalpur, District - Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 08-10-2015 Heard Mr. Pravin Chandra Prasad, the learned counsel
appearing on behalf of the petitioner.

Calling in question the order dated 11.08.2014 passed
in the Eviction Suit No. 01 of 2013 whereby the learned court
below has allowed a document (letter issued by the government to
the plaintiff granting allotment of flyash to be adduced in evidence
by the plaintiff), the defendant has filed this application under
Article 227 of the Constitution of India.

The suit has admittedly been filed for eviction of the
petitioner on the ground of personal necessity alone. From the
impugned order, it transpires that the evidence of the plaintiff has
started and some witnesses on his behalf has been examined. At

this stage, the learned court below has allowed the prayer of the plaintiff to adduce the letter in evidence.

Mr. Pravin Chandra Prasad, the learned counsel for the petitioner has submitted that there has been no ground explaining the delay and condonation of the same furnished by the plaintiff. However, the learned counsel for the petitioner has failed to point out the period of limitation prescribed in this regard. The fact is manifest and has been accepted on behalf of the petitioner that the evidence of the defendant is still to begin and therefore the defendant-petitioner has got the opportunity to rebut the evidence on behalf of the plaintiff.

For the forgoing reasons and discussions, this Court is not inclined to invoke jurisdiction under Article 227 in the facts and circumstances of the case. The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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