

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6684 of 2014**

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Md. Nasir Hussain Son of Late Md. Sabir Hussain Resident of Drybersion Lane  
Police Station- Danapur, District- Patna.

.... .... Petitioner/s

Versus

Basudeo Prasad Son of Late Prahlad Prasad Resident of Machhua Toli, P.O. And  
P.S. Danapur, District- Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**

**ORAL JUDGMENT**

**Date: 27-01-2015**

Heard Mr. Raghieb Ahsan, the learned counsel for the  
petitioner.

The petitioner is aggrieved by the order dated 12.09.2013  
passed by the learned court below in Title Eviction Suit No. 04 of  
2012.

At the out set, Mr. Raghieb Ahsan, the learned senior  
counsel for the petitioner has submitted that the petition has been filed  
by the defendant-petitioner in the learned court below on the basis of  
wrong advice and misconception by which the leave was sought as  
provided under Section 14 (4) of the Bihar Buildings (Lease, Rent and  
Eviction) Control Act, 1982. It has been submitted that the written  
statement has already been accepted by the court and, therefore, the

position should be clarified that the petitioner be at liberty to pursue his defence in the suit on the basis of the said written statement.

The learned counsel appearing on behalf of the plaintiff-respondent has raised no objection to the said prayer and has submitted that the written statement has been accepted by the court after imposing cost which has already been paid.

In view of the aforesaid submissions and stand taken by the learned counsel for the parties, this writ application is disposed of with a direction to the learned court below to allow the defendant-petitioner to pursue his defence in the suit on the basis of the written statement which has already been accepted.

As the suit has been filed seeking eviction on the ground of personal necessity, the learned court below is directed to expedite the hearing of the suit and dispose it of the same preferably within a period of six months.

**(V. Nath, J)**

Devendra/-

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