

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.77 of 2013

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Om Prakash Mandal son of late Ghanshyam Mandal Naya Bazar, P.O. and
P.S. and District-Lakhisarai. Petitioner/s

Versus

Shyam Sundar Tibrewal son of late Bihari Lal Tibrewal resident of Naya
Bazar P.O., P.S. and District-Lakhisarai. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Adv.

For the Respondent/s : Mr. Najmul Hoda, Adv.
Mr. Pravin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

21 27-04-2015 Heard Mr. Rudal Prasad, the learned counsel for the

petitioner and Mr. Najmul Hoda, the learned counsel for the

opposite party.

Mr. Hoda, at the out set, raised the preliminary objection regarding the maintainability of this revision application. It has been submitted by the learned counsel that the learned court below has granted the decree of eviction to the plaintiff-opposite party on the ground of personal necessity as well as default in payment of rent, after following general procedure and not the special procedure prescribed under Section 14 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982. As such, it is the contention of the learned counsel for the opposite parties that the present revision application is not maintainable as the impugned judgment and decree/order of eviction is appealable.

Mr. Rudal Prasad, the learned counsel for the petitioner,

in response, has prayed to withdraw the revision application with liberty to the petitioner to file appeal within a period of four weeks and has further prayed that the interim order dated 19.02.2014 staying the further proceeding of the execution case be allowed to continue for the said limited period.

Mr. Hoda, the learned counsel for the opposite party has raised no objection to this prayer.

In view of the aforesaid stand of the learned counsel for the parties, this revision application is permitted to be withdrawn with liberty to the petitioner to file appeal against the impugned judgment and decree/order before the appropriate court in accordance with law/rules within a period of four weeks from today. The interim order dated 19.02.2014 by which the further proceeding in Eviction Execution Case No 01 of 2013 pending in the Court of Munsif, Lakhisarai has been stayed shall continue only for four weeks from today and the petitioner is required to file appropriate petition in accordance with law before the appellate court for grant of stay of the eviction case. The appellate court shall consider the prayer for interim relief in accordance with law on its own merits expeditiously and without being prejudiced by this order.

Devendra/-

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(V. Nath, J)