

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.492 of 2014

In
C.R. 7 of 2010

=====

1. Shankar Mandal S/O Late Bairam Mandal Resident Of Village-
Hasanpur, P.S- Muffasil, District- Munger.

.... Petitioner/s

Versus

1. Suresh Prasad Singh S/O Late Jagarnath Mandal Resident Of Village-
Hasanpur, P.S- Muffasil, P.O- Dariyapur, District- Munger.
2. Ravindra Yadav S/O Jagdish Yadav Resident Of Village- Nandlalpur,
P.S- Muffasil, District- Munger.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

3 05-08-2015

Heard learned counsel for the petitioner.

The present restoration application has been filed
praying to restore Civil Revision No. 07 of 2010 which stood
dismissed for default for non compliance of the order dated
27.03.2012. From the records, it is evident that this restoration
application has been filed after delay of about two years on
29.01.2014.

When the restoration application was taken up, a
supplementary affidavit on behalf of the petitioner has been filed
wherein a statement has been made that the petitioner filed a
petition before the learned court below on 27.07.2015 to deposit
the arrears of rent which the learned court below declined. It has



been also stated that the learned court below had directed the petitioner to deposit the entire arrears of rent up-to-date, but as the petitioner is a poor person, therefore, he is not in a position to deposit the amount which comes to more than Rs.5,000/-. The petition so filed by the petitioner on 27.07.2015 has been brought on record as annexure-1 to the supplementary counter affidavit.

Learned counsel for the petitioner has pointed out that Civil Revision No. 7 of 2010 was filed against the order 01.02.2009 passed by the learned Munsif Ist, Munger in Eviction Suit No. 12 of 2007 upon the prayer made by the plaintiff under section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982. By the said order which was impugned in the revision application, the learned court below after finding a prima facie case in favour of the plaintiff, had directed the defendant to deposit the arrears of rent and further to continue to deposit the current rent at the rate of Rs.50/- per month.

In view of the nature of litigation being eviction matter, learned counsel for the petitioner has been heard on merits of the revision application as well in order to find out whether it would serve the interest of justice to allow the prayer for restoration of the revision application which may result in further delay of disposal of the eviction suit pending since 2007.

After some argument, learned counsel for the petitioner has submitted that the learned court below itself be directed to dispose of the eviction suit expeditiously and without further delay with further direction to allow the petitioner to deposit the arrears of rent up-to-date in instalments in view of the poor financial position of the petitioner.

After considering the submissions as well as the facts of the case, this Court finds substance in the submission made by the learned counsel for the petitioner. It is, therefore, held that the restoration of the civil revision application will not serve the interest of justice. The restoration application is, accordingly, dismissed. However, the learned court below is directed to dispose of Eviction Suit No. 12 of 2007 expeditiously, preferably within a period of six months from the date of receipt/production of a copy of this order. The petitioner shall be at liberty to make appropriate prayer for deposit of the arrears of rent and current rent either at one time or in instalments which shall be considered by the learned court below in accordance with law on its own merits.

(V. Nath, J)

Amin/-

U			
---	--	--	--