

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.724 of 2016**

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Bijay Kumar Sah

.... Appellant/s

Versus

Monalisha Chaudhary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anshuman Jaipuriyar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 27-09-2016

Heard learned counsel, Mr. Anshuman Jaipuriyar,

appearing for the petitioner and learned counsel, Mr. Modi,

appearing for the respondents.

2. Perused the impugned the order dated 20.02.2016 passed by the Sub-Judge-IV, Katihar in T.S. No. 159 of 2006, whereby the learned court below rejected the application filed by the petitioner to recall of the order dated 12.06.2016.

3. It appears that earlier application was filed for recall of the said order, which was rejected. Thereafter petitioner filed writ application being C.W. J.C. No. 10531 of 2014 before the High Court. The High Court did not interfere with the order dated 12.06.2015. Again this application has been filed.

4. Admittedly, on 12.06.2015, written statement of the defendants-respondents has been accepted by the court below. The plaintiff is not challenging the acceptance of the written statement.

Defendant, who is tenant of the plaintiff-respondents, is challenging the acceptance of the written statement. It may be mentioned here that the tenant, who is defendant, is raising this question against the defendants-respondents. Therefore, this is a dispute between the defendants and defendants. The plaintiff is not aggrieved by the order. In such circumstances, the petitioner has no role to play and in fact this application has been filed with a view to delay the disposal of the eviction suit filed by the plaintiffs-respondents. Therefore, it appears that the petitioner is adopting dilatory tactics and abusing the process of the Court for the purpose of delaying the disposal of the eviction suit, which is of the year 2006 filed under the special statute i.e. B.B.C Act. Thus, this civil miscellaneous application is dismissed with cost of Rs. 5,000/- to be paid by the petitioner to the plaintiff-respondent within one month from today, failing which, the same shall be realized through the process of the Court. If the cost is deposited, the plaintiffs shall withdraw the same.

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(Mungeshwar Sahoo, J)