

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.930 of 2016**

Manoj Kumar

.... Appellant/s

Versus

Sri Baidhnath Prasad & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Rajesh Kumar Singh

For the Respondent/s : Mr.

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

ORAL ORDER

3 17-11-2016 Heard the learned counsel for the petitioner and the learned senior counsel, Mr. Sukumar Sinha for the respondents.

Perused the impugned order dated 18.07.2016 passed by the learned Sub Judge II, Saran at Chapra in Eviction Case No.5 of 2012 whereby the learned Court below directed the petitioner to examine his witnesses by the next two dates and for that purpose, he has only directed to pay cost of Rs.600/-. This order has been challenged by the defendant-petitioner before this Court.

It is submitted by the learned counsel for the respondents that the cost has also not been deposited by the petitioner as directed by the Court below.

The admitted fact is that the evidence of the plaintiff has been closed on 28.04.2015. It appears from the order that the petitioner is lingering the matter by adopting dilatory tactics for the purpose of delaying the disposal of the suit which has been

filed by the plaintiff on the ground of personal necessity. The intention of the petitioner is malafide and he is abusing the process of the Court by misusing the provisions of law and, therefore, he is not entitled to invoke the supervisory jurisdiction of the High Court.

Thus, I am not inclined to interfere with the impugned order and accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--