

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.968 of 2016

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Shri Sanjay Kumar Choudhary @ Sanjay Kumar

.... Petitioner/s

Versus

Smt. Neeta Jaiswal & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 05-07-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 11.12.2015 passed by
Munsif East, Muzaffarpur in Eviction Suit No.15 of 2013.

It appears that the plaintiff-respondent filed eviction suit
against the defendant-petitioner. The defendant-petitioner filed
written statement denying the relationship of landlord and tenant
between the parties. By the impugned order, the Court below has
marked kirayanama dated 07.10.2004 as Ext.3 and P.W.5 has been
recalled for further examination.

The grievance of the petitioner is that he was not heard.
Since this court is hearing the application under Article 227 of the
Constitution, I granted the petitioner sufficient opportunity to be
heard before this Court. The only objection is that kirayanama is
not admitted and on that day, time petition was filed but wrongly
the Court below mentioned that the petitioner was also heard.

The admitted position is that the plaintiff's evidence is going on. The defendants have not started their evidence. Therefore, the petitioner has got opportunity to cross-examine P.W.5 as well as to prove that the Ext.3 is not admitted document and is disputed document. However, considering the nature of the objection raised by the petitioner, in my opinion, it is not a case for interference in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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