

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.143 of 2016

1. Jai Prakash Sah
2. Dilip Kumar Both Sons of late Hallu Sah
3. Shrawan Kumar Son of Late munilal Sah All Resident of Village- Mahadeva, Police Station Bariarpur, District Munger.

... .. Appellant/s

Versus

The State of Bihar through the Collector, Munger,

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. SUNIL KR. MANDAL- SC24

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 24-08-2017 I. A. No. 5918 of 2017 has been filed seeking stay of proceeding of Execution Case No. 7 of 2016, arising out of Eviction Suit No. 104 of 2013, which is pending in the Court of learned Sub Judge I, Jehanabad.

The petitioners, in the present revision application, under Section 14 (8) of the Bihar Building (Lease, Rent and Control) Act, are aggrieved by judgment and order, dated 02.06.2016, passed by learned Sub Judge I, Jehanabad, in the said Eviction Suit No. 104 of 2013, whereby the said eviction suit has been decreed against the defendants-petitioners on the ground of personal necessity.

A plea has been taken that the impugned judgment has been passed without framing issue of necessity of partial



eviction since plaintiff/respondent no. 1 had sought eviction on the ground of personal necessity.

Learned Counsel for the petitioners has submitted that the petitioners have a *prima facie* case and if the decree is allowed to be executed, the petitioners shall suffer irreparable loss.

Issue notice to the respondent no. 1, in I. A. No. 5918 of 2017, under both processes, i.e., ordinary as well as speed post, for which talbana etc. must be filed within a period of two weeks from today, failing which the said interlocutory application, as against the concerned respondent shall stand dismissed without further reference to a Bench.

In the mean while, there shall be stay of Execution Case No. 7 of 2016, arising out of Eviction Suit No. 104 of 2013, pending before the Sub Judge I, Jehanabad.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	v		
---	---	--	--

