

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.400 of 2016**

=====

Prahlad Pd. Sah

.... Appellant/s

Versus

Md. Anjum Parvez

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jagdish Prasad Bhagat

For the Respondent/s : Mr.

=====

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

ORAL ORDER

2 22-08-2016

Heard learned counsel, Mr. Jagdish Prasad Bhagat,

appearing for the petitioner.

2. Perused the order dated 11.06.2015 passed by the learned Munsif, Katihar in Eviction Suit No. 02 of 2006.

3. It appears that the eviction suit has been filed by the plaintiff on the ground of personal necessity against the defendant-petitioner. After closure of the evidence of the plaintiff, the defendant filed application for directing the plaintiff to produce the original revenue rent receipts in the interest of justice. The court below, by the impugned order dated 11.06.2015, rejected the said application and directed the defendant-petitioner to produce evidence. The defendant-petitioner did not produce any evidence in one year. From perusal of the order-sheet produced by the petitioner himself, it appears that in one month, two dates were given but the petitioner did not examine any witness on one ground or the other and got the case adjourned and lastly, this civil

miscellaneous application has been filed on 30.06.2016 i.e. after one year and half month from the date of the impugned order. From perusal of the impugned order, it appears that the court below clearly recorded finding that the documents i.e. revenue rent receipts are not at all required for the decision of the eviction suit and has rejected the application.

4. From the above facts and circumstances of the case, it appears that the petitioner by filing frivolous and vexatious application is trying to delay the disposal of the suit filed by the plaintiff on the ground of personal necessity. He is challenging the impugned order after one year only when the court below refused to grant further time. The intention of the petitioner appears to be *mala fide*. Therefore, in my opinion, this civil miscellaneous application is fit to be dismissed with a cost.

5. Accordingly, this civil miscellaneous application is dismissed with a cost of Rs. 5,000/- (Five thousand rupees) to be deposited by the petitioner in the court below within one month from today, failing which, the respondent is at liberty to realize the same through the process of the Court and if the cost is deposited, the respondent shall withdraw the same from the Court.

6. This civil miscellaneous application is, accordingly, dismissed with the aforesaid direction.

brajesh/-

U			
---	--	--	--

(Mungeshwar Sahoo, J)