

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.150 of 2013

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Jay Prakash Gupta S/O Late Bishwanath Gupt Resident Of M/S Balkishun Sao,
Kirana Store, Machhua Toli, Bari Path, Police Station Pirbahore, District Patna.

.... Petitioner/s

Versus

1. Smt. Harbhajan Kaur, wife of late Sardar Guru Charan Singh Resident Of
Machhua Toli, Bari Path, Police Station Pirbahore, District Patna.
2. Smt. Balbir Kaur daughter of Sardar Guru Charan Singh and wife of Prit Pal
Singh, Resident Of Hindustan Vastralay, Mirzapur Road, opposite S.B.I. Bank,
Ram Nagar Chouk, Varansi.
3. Sardar Ravindra Singh.
4. Sardar Amritpal Singh both S/O Sardar Guru Charan Singh Resident Of
Machhua Toli, Bari Path, Police Station Pirbahore, District Patna.

.... Respondent/s

with

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Civil Revision No. 107 of 2016

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Jai Prakash Gupta son of Late Bishwanath Prasad Proprietor M/S Bal Kishun Sao
Kirana Stores , Machhua Toli, Bari Path, P.S. - Pirbahore, District - Patna.

.... Petitioner/s

Versus

1. Smt. Harbhajan w/o Late Sardar Guru Charan Singh resident of Machhua Toli,
Bari Path, P.S. - Pirbahore, District - Patna.
2. Smt. Babbu Kaur D/o Late Sardar Guru Charan Singh and W/o Prit Pal Singh
resident of Hindustan Vastralay, Mirzapur Road, Opp - S.B.I. Bank, Ram Nagar
Chauk, Varanasi.
3. Sardar Ravindra Singh
4. Sardar Amrit Pal Singh Both sons of Sardar Gurucharan Singh resident of
Mohalla - Machhua Toli, Bari Path, P.S. - Pirbahore, District - Patna.

.... Respondent/s

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Appearance :

(In C.R. No.150 of 2013)

For the Petitioner/s : Mr. K.N. Choubey, Sr. Adv.
Mr. Md. Waliur Rahman, Adv.

For the Respondent/s : Mr. J.S. Arora, Adv.

(In C.R. No.107 of 2016)



For the Petitioner/s : Mr. K. N. Choubey, Sr. Adv.
Md. Waliur Rahman, Adv.
For the Respondent/s : Mr. J.S. Arora, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-12-2016

Heard Mr. K.N. Choubey, learned senior counsel for the petitioner in both the revision applications i.e. C.R. No. 150 of 2013 and C.R. No. 107 of 2016 and Mr. J.S. Arora, learned senior counsel for the opposite parties.

These two revision applications have been filed under Section 14 (8) of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 against the judgment and decree directing the defendant-petitioner to vacate the suit premises. As there was delay in filing these revision applications, the two interlocutory applications (I.A. No. 6839 of 2013 and I.A. No. 4318 of 2016) have been filed praying for condonation of delay.

The parties were earlier heard on 20.10.2016 on merits as well as the prayer for condonation of delay. However, in view of the submissions on behalf of the petitioner expressing his readiness to vacate the suit premises within one year, the matter was put up for orders in limitation matter with liberty to the petitioner to file the undertaking in support of the submission. The supplementary affidavit has been filed on 17.10.2016 in both the revision applications where in paragraph-8, it has been stated that one year period would be



suitable for the petitioner to vacate the shop in question.

Mr. Arora, learned senior counsel for the opposite parties in both the revision applications has submitted that one year period, as prayed by the petitioner, to vacate the shop in question is too longer in view of the pendency of the suit for eviction and thereafter the appeals and other proceedings which factors may be taken into consideration and therefore the grant of six months to the petitioner would be sufficient in the facts and circumstances. However, after some submissions, the learned counsel for both the parties have agreed that the petitioner in both the revision applications be granted time till 31.07.2017 to vacate the suit premises and handover the vacant possession to the plaintiff-opposite parties.

After considering the submissions, the delay in filing the two revision applications is condoned and the interlocutory applications (I.A. No. 6839 of 2013 and I.A. No. 4318 of 2016) are, accordingly, allowed.

The two revision applications, sans merit, are dismissed. However, while dismissing the two revision applications, this Court takes into notice the stand and joint submission of the learned counsel for the parties for grant of time till 31.07.2017 to the petitioner to vacate the suit premises and handover the vacant possession to the petitioner. Mr. Arora, learned counsel for the plaintiff-opposite parties has also



sought a direction to the petitioner to pay/deposit the arrears of rent and current rent with regard to the suit premises in his occupation. In response, Mr. Rahman, learned counsel for the petitioners in both the revision applications has made a categorical submission that such rent is being deposited in the Nazarat of the court below.

In the interest of justice and to ward off the prolongation of litigation between the parties, this Court, in view of the undertaking by the petitioner as contained in the supplementary affidavit filed by the petitioner and stand and agreement expressed by the learned counsel for the parties in that regard, allows the petitioner time till 31.07.2017 to vacate the suit premises and handover vacant possession to the plaintiff-opposite parties. The petitioner is also further directed to deposit the arrears of rent, if not already deposited, by 15th January 2017 and continue to deposit the current rent thereafter in accordance with law in the executing court below. The opposite parties shall be at liberty to withdraw the aforesaid amount. It is further also directed that if the direction for deposit of the arrears of rent and current rent is not complied by the petitioner then, this order would stand vacated automatically and the decree would be executable forthwith in accordance with law. The violation of the undertaking to vacate the suit premises by 31.07.2017 shall amount to contempt of this Court.



The two revision applications are, accordingly, dismissed
with directions as above.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

