

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13135 of 2015

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Arun Kumar

.... Petitioner/s

Versus

Ranjit Kumar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

6 17-11-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent.

2. Perused the impugned order dated 24.12.2014 passed
by the learned Munsif at Masaurhi, Patna in Eviction Suit No. 01
of 2013 whereby the learned court below refused to proceed ex-
parte.

3. The grievance of the plaintiff-petitioner is that no
leave required under the special procedure provided under Section
14 of the ***Bihar Building (Lease, Rent and Eviction Control) Act,***
1982 was obtained by the defendant and without obtaining leave
he filed the written statement and, therefore, the plaintiff-
petitioner filed application under Section 14(4) of the B.B.C. Act
praying for proceeding ex-parte as the defendant had filed the
written statement without obtaining the leave but the court below,
by the impugned order, has rejected the application filed by the

plaintiff-petitioner.

4. Learned counsel for the respondent submitted that the suit is not only on the ground of personal necessity but also other grounds have been raised. Even in the impugned order, the prayer of amendment to the effect that the plaintiff has sub-let the suit property to the third person was allowed and also the relief that the plaintiff prayed for arrears of rent prior to institution of the suit and also the cause of action has been given for not paying the rent and also that the valuation of the suit has also been mentioned calculating the arrears of rent plus 12 months rent and, therefore, it is not a suit purely on the ground of personal necessity.

5. At the time of hearing of this writ application, a copy of the plaint was produced by the learned counsel appearing for the plaintiff-petitioner. From perusal of the plaint, it appears that the submission of the learned counsel appearing on behalf of the defendant-respondent is correct. I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

Brajesh/-

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(Mungeshwar Sahoo, J)