

Narayan Raunak Son of Sri Anand Prakash Raunak Resident of Mohalla -
East Lohanipur Prithvi Rajpath, P.S. Kadamkuan, District Patna.

Versus

Umakant Jha Son of Late Madhukant Jha Resident of Mohalla - East
Lohanipur Prithvi Rajpath, P.S. Kadamkuan, District Patna.

.... Respondent

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr.

3 31-03-2016

Heard Mr.Surendra Kishore Thakur, learned

counsel appearing for the petitioner.

By the impugned order the learned court below has granted the leave to the petitioner to contest the suit as envisaged in Section 14(5) of the B.B.C.Act for contesting the suit and has also accepted the written statement filed by the petitioner.

The learned counsel for the petitioner has submitted that the learned court below has not properly exercised its discretion inasmuch as the intention of the defendant is only to delay the suit. It has been pointed out that the suit has been filed for eviction of the defendant on the ground of personal necessity which has been delayed so far due to the dilatory tactics by the defendants.

After considering the submissions and perusal of the impugned order, it transpires that the court after findings of substance in the leave petition filed on behalf of the petitioner has allowed the prayer to contest the suit and has accepted the written statement after imposing cost. This Court is not inclined to interfere with the discretion exercised by the learned court below in granting the leave to contest the suit. However, it is desirable in the facts and circumstances of the case that the eviction suit itself which has been filed on the ground of personal necessity should be disposed of at the earliest.

The writ application is, accordingly, dismissed with direction to the learned court below to dispose of the eviction suit at the earliest keeping in view that the suit has been filed on the ground of personal necessity and the proceeding has been inordinately delayed due to the factors attributable to the defendant.

(V. Nath, J)

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