

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8788 of 2014

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1. Vijay Kumar S/o Lakhi CHand Mahto Proprietor of M/s Vijay Kumar -
Naresh Kumar Situated at Machharhatta, Ghagha Gali, P.S. Khajekalan,
Patna City - 800008, Town and District - Patna

.... Petitioner/s

Versus

1. Raj Kumar Naugaria son of Sri Gopi Krishan Chaudha resident of
Mohalla - Darib Baj Bahadur Lane, New Road, P.S. Chowk, P.O. Patna
City, Patna City - 800008, Town and District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anis Chandra Sinha
: Mr. Ram Narayan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 17-02-2016 Heard learned counsel, Mr. Anis Chandra Sinha

appearing for the petitioner as well as learned counsel, Mr. S.K.
Bishnupuria appearing on behalf of the respondents.

2. It appears that on 24.01.2014, the learned court below
passed the order under Section 15 of the B.B.C. Act directing the
tenant-petitioner to deposit the arrears of rent and also the current
rent at the rate of Rs.200/- per month within 15 days. The
petitioner did not comply the same within fixed period. On
18.02.2014, the petitioner filed application stating that he is ready
to deposit the arrears of rent and also the current rent but the court
below instead of allowing the petitioner to deposit has struck off
the defence.

3. The learned counsel for the petitioner submitted that the petitioner is a very poor person and in fact, the order was not communicated to the petitioner within time and further arrears of rent from the month of May, 2010 was to be deposited, which was huge amount to the petitioner and took some time to arrange the same.

4. On the other hand, the learned counsel for the respondents, vehemently, opposed the submission of learned counsel for the petitioner and submitted that intentionally only with a view to linger the disposal of the suit, the petitioner did not comply the order passed by the court below. The order was passed in presence of the petitioner.

5. Perused the order passed by the court below. It is admitted fact that on 18.02.2014, the petitioner filed application showing his desire to deposit the arrears of rent as directed by the court below but the defence of the petitioner was struck off.

6. Since the petitioner is desiring to deposit the same but there is some delay, I direct that the petitioner must deposit the arrears of rent from the month of May, 2010 to February, 2016 within 15 days from the date of receipt of a copy of this order with cost of Rs. 2000/- within the aforesaid period. If cost is deposited, the same shall be paid to the plaintiff in the court below by the

court. The order striking off defence of the petitioner is, hereby, set aside. Since the eviction suit is of the year 2010, the court below shall expedite the disposal of the same.

7. Accordingly, this writ application is allowed with aforesaid direction.

(Mungeshwar Sahoo, J)

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