

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6113 of 2015

=====

Sukhdeo Prasad Choudhary

.... Petitioner/s

Versus

Chandrashekhar Prasad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 04-07-2016 Heard the learned counsel, Mr. Indradeo Prasad for the petitioner and the learned counsel, Mr. Alok Kumar Jha for the respondent.

It appears that the petitioner appeared on 06.05.2014. He was debarred from filing written statement on 08.09.2014. However, he has filed the written statement on 13.10.2014. Subsequently, also separate application for obtaining leave to contest the eviction suit filed under the Bihar Building (Lease, Rent & Eviction) Control Act, 1982.

The learned counsel for the petitioner submitted that in future, he will not cause any further delay in disposal of the suit and is also ready to compensate the plaintiff-respondent for the delay caused by his laches.

Considering the facts that he has already appeared on 06.05.2014 and written statement as has been filed on 13.10.2014

and subsequently leave to contest application has been filed, I allow this writ application and set aside the order dated 09.12.2014 passed by Munsif, Nawada in Eviction Suit No.25 of 2014 subject to payment/deposit of cost of Rs.2,500 to the plaintiff-respondent in the court below within two weeks from today and if the same is deposited, the plaintiff-respondent may withdraw the same and court below shall proceed for accepting the written statement filed by the petitioner.

Thus this writ application stands allowed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--