

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 13608 of 2014**

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Amrendra Nath Gupta, Son of Late Anandi Lal Gupta, Resident of at Mohalla -  
Ward No. 8, New Market Road (Dr. Rajendra Prasad Path), P.S. - Katihar, District -  
Katihar

.... .... Petitioner

Versus

1. M/s Bihar Trading Agency Dealer In Pumping Sets Diesel Engines etc., New  
Market Road (Dr Rajendra Prasad Path), Opposite Shiv Mandir, P.S. - Katihar,  
District - Katihar
2. Vidya Devi, W/o Late Shyam Sundar Agrawal
3. Rajesh Kumar Agrawal
4. Rabi Kumar Agrawal
5. Amit Kumar Agrawal
6. Lalit Kumar Agrawal
7. Pankaj Kumar Agrawal, All sons of Late Shyam Sundar Agrawal, All residents  
of Bara Bazar, Daula Tram Chauk, P.S. and District - Katihar
8. Rabindra Nath Gupta
9. Narendra Nath Gupta, All Sons of Late Anandi Lal Gupta
10. Madhubala Gupta, Wife of Late Devendra Nath Gupta
11. Rajib Ranjan, Son of Late Devendra Nath Gupta
12. Shalini Kumari, Daughter of Late Devendra Nath Gupta, All residents of Bara  
Bazar, P.S. and District - Katihar

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Sushmita Mishra  
For the Respondents : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL JUDGMENT**  
**Date: 01-09-2016**

Heard learned counsel for the petitioner.

The present application has been filed with the sole  
prayer for disposal of the eviction suit within a time frame.

The learned counsel for the petitioner has submitted  
that the suit has been filed for eviction of the defendant on the ground  
of default in payment of rent and for arrears of rent. It has further been  
submitted by relying upon the order-sheet as annexed with the

application that the matter is being lingered unnecessarily at the instance of the defendant who is only interested in prolonging the litigation. It has also been submitted on instruction that the parties have completed evidence in the suit and the matter is at the stage of final argument. The learned counsel for the petitioner has also relied upon a decision in the case of **Siddhartha Kumar & Others v Upper Civil Judge, Senior Division, Ghazipur & Others** reported in **AIR 1998 Allahabad 265** for persuading this Court to take the view that mandamus can be issued even in exercise of the jurisdiction under Article 227 of the Constitution of India.

After considering the facts and circumstances of the case as well as the submissions, this Court disposes of the writ application with direction to the court below to dispose of the suit expeditiously and preferably within a time frame if a petition in that regard is filed by the petitioner praying for early disposal of the suit. If the Court finds difficulty in disposing of the suit within a time frame it is enjoined to pass a reasoned order.

The application is, accordingly, disposed of with aforesaid directions.

(V. Nath, J.)

Kundan

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