

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1885 of 2014

Sanatan Sah Son Of Tauzi Lal Sah Resident Of Mohalla- Sadipur (Kaura Maidan),
College Road, P.S.- Kasim Bazar, District- Munger

.... Petitioner

Versus

Rakesh Kumar Gupta Son Of Late Ram Lakhan Gupta Resident Of Mohalla-
Sadipur (Kaura Maidan), College Road, P.S.- Kasim Bazar, District- Munger

.... Respondent

Appearance:

For the Petitioner/s : Mr. VINEETA SINHA

For the Respondent/s: Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-08-2016

This application has been filed against the order by which the learned court below turned down the prayer made on behalf of the defendant to grant him opportunity to lead evidence.

By order dated 09.02.2015, the notice was issued to the sole respondent in view of the statement made by learned senior counsel appearing on behalf of the petitioner, that the defendant intended to examine one or two witnesses only and that too within a week.

The learned counsel appearing on behalf of the respondent has submitted that the respondent has filed the eviction

suit in the year 2008 and since then the matter is lingering at the instance of the defendant on behalf of one pretext and the other.

It has been further submitted that the present application may be disposed off by granting the opportunity to the defendant to lead evidence in view of the submission made on behalf of the petitioner as recorded in the order 09.02.2015.

The learned counsel has also clarified that this concession has been made only to avoid further delay in disposal of the eviction suit, which is the sole intention of the defendant-petitioner.

After considering the submission on behalf of the sole respondent and perusal of the impugned order, it is manifest that the eviction suit has been filed against the defendant-petitioner seeking his eviction from the suit premises.

The learned court below has recorded in the impugned order that the suit had remained pending for more than three years at the instance of the defendant for adducing evidence, but in spite of grant of further opportunities, the defendant did not lead evidence.

Without going into the further probe, this application is disposed of in view of the submission on behalf of the respondent, by granting one last opportunity to the defendant to lead evidence in the Suit and finish the same within two weeks from the date fixed by

the learned court below for the same purpose after the receipt/production of this order.

It is made clear that this order has been passed in the interest of justice and appreciating the agony of the plaintiff-respondent as the eviction suit remained pending from the year 2008 to upto now. It is also made clear that no further opportunity shall be granted to the defendant-petitioner for leading evidence and the learned court below is also directed to expeditiously take up the matter and dispose of the suit in accordance with law.

This application is, accordingly, disposed of with above directions.

(V. Nath, J)

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