

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7914 of 2016

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Suresh Ram

.... Petitioner/s

Versus

Smt. Babali Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-07-2016 Heard the learned counsel, Mr. Mahesh Prasad No.2, for the petitioner.

Perused the order dated 12.01.2016 passed by Munsif, Hilsa in Eviction Suit No.6 of 2013 whereby the learned Court below rejected the application under Order 14 Rule 2 CPC filed by petitioner praying for deciding the issue regarding maintainability of the suit as preliminary issue. The Court below found that these questions which are being raised by the petitioner, all are questions of fact. The points which is being raised is frivolous, vexatious and have been raised only with the intention to linger the disposal of the eviction suit. The Court below has awarded the cost of Rs.3000/- with interest. Since the defendant petitioner who is tenant according to the plaintiff respondent, he is filing this type of frivolous and vexation petition praying for dismissing the suit as there is no relationship of landlord and tenant.

Thus, this writ application is dismissed with further cost of Rs.5000/- to be paid by the petitioner to the respondent in the Court below in addition to the cost awarded by the trial Court.

(Mungeshwar Sahoo, J)

Sanjeev/-

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