

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13013 of 2014

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1. Md. Rais @ Md. Rasish S/o Late Md. Anis Resident of Mohalla Atardah, P.S.
Sadar, P.O. Ramna, District Muzaffarpur.

.... Petitioner/s

Versus

1. Suraj Kumar

2. Shakti Vishal Both are S/o Hari Shankar Prasad Sinha Resident of Mohalla
Baisakhi Ram Lane, P.S. Town, District Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 14-09-2016

Heard learned counsel for the petitioner.

The defendant in the suit for eviction is the petitioner in
the present application challenging the order by which the learned
court below has refused the prayer of the petitioner for recall of the
witnesses of the plaintiff for cross-examining them on the point of
personal necessity.

From the perusal of the plaint which has been annexed
with this application, it is manifest that the suit has been filed

seeking eviction of the defendant on the ground of default in payment of rent under the provisions of Bihar Building (Lease, Rent and Eviction) Control Act, 1982 . From paragraph no. 29 of the plaint also it is further clear that the plaintiff has reserved his right to sue the defendant on the ground of personal necessity. As such the finding by the learned court below that as the suit has been filed for eviction on the ground of default in payment of rent alone the prayer of the defendant for cross examining the witnesses of the plaintiff on the ground of personal necessity is misconceived cannot be faulted with. This Court, therefore, does not find that the learned court below has committed any illegality or irregularity in passing the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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