

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25040 of 2013

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1. Md. Khalid Shaheen @ Khalid Shaheen Son of Md. Eshteyaque
Chaudhary Mohalla Police Station and District Katihar

.... Petitioner/s

Versus

1. Mukhtar Ahmad, Son of Late Md. Abid Hussain, Resident of Village -
Salmari, Police Station - Azamnagar, Distt. Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-12-2017 This writ application has been filed to set aside the order

dated 16.08.2013 passed by Additional Munsif-VI, Katihar in

Eviction Suit No.03 of 2004 whereby and whereunder the learned

Munsif has rejected the petition filed on behalf of the petitioner.

2. Heard learned counsel for the petitioner and perused
the record.

3. It appears that the plaintiff-respondent filed an
eviction suit against the petitioner for his eviction from the suit
premises. The defendant-petitioner denied the personal necessity
of respondent and filed a petition under Order 11 Rule 2 of C.P.C.
The court below after hearing both sides rejected the petition
observing that the petition has been filed at a very late stage when
the argument has begun. The court below while rejecting the



petition has observed that the defendant could get necessary answer in the cross-examination of witness. The court below did not find any merit in the said petition and has rightly rejected the petition of the petitioner.

4. In view of above facts and circumstances, I do not find any illegality in the impugned order requiring any interference. Accordingly, this writ application is dismissed.

(Sanjay Kumar, J)

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