

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25097 of 2013

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1. Jugesh Sao, S/O Shri Ravidnra Sao, Resident Of Village- Bibipur Old,
P.S. Fatuha Now P.S. Gaurichak, District- Patna

.... Petitioner/s

Versus

1. Devendra Ram, Son Of Late Moti Ram Resident Of Village Bibipur, Old,
P.S. Fatuha Now P.S. Gaurichak, District- Patna
2. Shivrath Ram Son, Of Late Moti Ram Resident Of Village Bibipur, Old,
P.S. Fatuha Now P.S. Gaurichak, District- Patna
3. Vishwanath Ram Son, Of Late Moti Ram Resident Of Village Bibipur,
Old, P.S. Fatuha Now P.S. Gaurichak, District- Patna
4. Raghunath Ram, Son Of Late Moti Ram Resident Of Village Bibipur,
Old, P.S. Fatuha Now P.S. Gaurichak, District- Patna
5. Deo Nath Ram, Son Of Late Moti Ram Resident Of Village Bibipur, Old,
P.S. Fatuha Now P.S. Gaurichak, District- Patna
6. Aklu Ram, Son Of Late Moti Ram Resident Of Village Bibipur, Old, P.S.
Fatuha Now P.S. Gaurichak, District- Patna
7. Satendra Ram, Son Of Late Moti Ram Resident Of Village Bibipur, Old,
P.S. Fatuha Now P.S. Gaurichak, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

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

dated 26.08.2013 passed by learned Munsif, Patna City in Eviction

Suit No.14 of 2011 whereby and whereunder the learned court

below has rejected the petition of the petitioner.

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

3. It appears that the respondent filed an eviction suit



for eviction of the petitioner. The plaintiffs-respondents have asserted that their father had purchased the suit property on 28.07.1970 and after his death, the respondents came in possession over the same. The defendant was inducted as a tenant on rent of Rs.250/- per month for about 5 years ago. The plaintiffs filed the suit on the ground of personal necessity.

4. The defendant filed written statement and has denied the relationship of landlord and tenant and also denied the cause of action.

5. The contention of learned counsel for the petitioner is that the plaintiffs have not disclosed the date of cause of action. They have simply stated that the defendant was inducted five years ago but no specific date has been mentioned and so the suit is liable to be dismissed for want of disclosure of cause of action. The learned trial court while dismissing the petition has observed that the determination of cause of action is considered from the averments made in the plaint. The court below after going through the plaint has observed that the plaintiffs have valid cause of action and on the basis of observation the court below has rightly rejected the petition of the petitioner.

6. In view of the 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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