

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22500 of 2013

=====

Binod Kumar Patawari S/O Late Multan Chand Patawari R/O Village- Sarmari,
P.S- Salmari, Distt- Katihar At Present Doing Business At Arun Katra, M.G. Road,
Police Station- & District- Katihar.

.... Petitioner

Versus

Arun Kumar Prasad S/O Late Raja Ram Sah R/O Arun Katra, Mahatma Gandhi
Road, Katihar, P.S & Distt- Katihar

.... Respondent

=====

Appearance :

For the Petitioner : Mr. RAJENDRA PRASAD SAH, Advocate
For the Respondent No.2 : Mr. P.K.Jaipuriyar, Advocate
: Mr. Anshuman Jaipuriyar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the petitioner and respondent.

2. The defendant of Eviction Suit No.3 of 2011 has filed this application for setting aside the order dated 23.08.2013 whereby and whereunder the learned Munsif, Katihar accepted the documents filed by the plaintiff for considering in evidence subject to payment of cost of Rs.500/-. The respondent-plaintiff filed the eviction suit on the ground that he needs the premises for starting business. The petitioner-defendant filed written statement and denied the need of the respondent. In course of evidence, the respondent (landlord) filed two documents relating to Commercial Tax Department to show that initially he was running business in the name as style as "Bina Exercise Book" and on account of his ill-health the said business was closed. Now he wants to re-start the said business. The court below while accepting those documents observed that the petitioner-defendant would have opportunity to cross-examine the plaintiff and his witnesses and also to produce evidence in rebuttal. The genuineness of these



two documents have not been challenged by the petitioner and opportunity has already been given to rebut the same.

3. In view of above facts, I do not find any error in accepting those documents in evidence. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2017
Transmission Date	13.112017

