

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.208 of 2018**

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1. Vinod Kumar Sinha Son of Late Sita Ram Sah Resident of Chuna Gali,  
Ward No. 12, Gopalganj, P.S. + District - Gopalganj.

.... .... Petitioner/s

Versus

1. Lal Babu Prasad @ Lalu Son of Shri Ram Sah Proprietor Sargam  
Electronics, Chuna Gali Ward No. 12, P.S. and District - Gopalganj (Bihar).

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ranjan Kumar Srivastava

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

**ORAL ORDER**

2      09-10-2018                      Heard learned counsel for the petitioner.

The petitioner filed this civil miscellaneous petition against the order dated 23.05.2017 passed in Title Appeal No.16 of 2017 by which the learned District Judge, Gopalganj admitted the title eviction appeal for hearing.

The petitioner is the plaintiff. Petitioner filed Eviction Suit No.6 of 2014 and the learned Sub Judge XIV, Gopalganj decreed the suit vide judgment and decree dated 30.01.2017. The defendant of the suit filed Title Eviction Appeal No.16 of 2017. The plaintiff objected that the judgment and decree passed in Eviction Suit No.6 of 2014 is not appealable as the suit was decreed on the ground of personal necessity.

Learned counsel for the petitioner submits that learned



District Judge has illegally held that there are other issues in the suit such as, realization of arrear of rent and the suit was not solely on the ground of personal necessity. It is further submitted that the District Judge has also illegally held that the suit was not tried under the special procedure as laid down under Section 14 of the Bihar Building(Lease, Rent & Eviction) Control Act(hereinafter referred to as B.B.C. Act) and, therefore, the appeal is maintainable but I find no force in the submission of the learned counsel for the petitioner after perusal of the judgment and decree passed in Eviction Suit No.6 of 2014. It appears that there are many issues besides the issue, eviction on the ground of personal necessity. The plaintiff also seek eviction and realization of arrears of rent on the ground of non-payment of rent and the suit was not tried according to the special procedure provided under Section 14 of the B.B.C. Act. Therefore, I find that learned District Judge has rightly held that the appeal is maintainable.

Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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