

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.301 of 2018

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1. Binod Pathak son of Mebalal Pathak resident of Muhalla Kantahi, Post Office Biharsharif, Police Station Bihar, District Nalanda.

.... Petitioner/s

Versus

1. Mithilesh Prasad Singh son of late Bhagwat Prasad Singh resident of village Tungi, Post Office Tungi, Police Station Dipnagar, District Nalanda at present Ara Koilari, Post Office Saibera, Police Station Mandu, District Hazaribagh, Jharkhand.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Santosh Kumar Sinha -2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 08-05-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 07.02.2018 passed in Execution Case No.1 of 2013 by which the petition of the petitioner-judgment debtor for stay of the execution case has been dismissed.

The learned counsel for the petitioner submits that petitioner is a poor tenant. He wanted some time to vacate the suit premises. The suit was filed on the ground of personal necessity and on the ground of default in payment of rent. The suit was decreed on 12.02.2013. Thereafter, the First Appeal preferred by the petitioner was also dismissed. The Second Appeal was also dismissed. The petitioner is ready to vacate the suit premises



within six months. It is further submitted that Supreme Court in Special Leave to Appeal(Civil) No.21766 of 2005 allowed some time to the judgment debtor to vacate the suit premises.

It appears that suit for eviction has been filed in the year 2007. The suit was decreed in the year 2013. The petitioner being the judgment debtor filed First Appeal and the Second Appeal in this High Court but First Appeal has been dismissed and Second Appeal has also been dismissed for default. Admittedly, the petitioner is the tenant and the landlord is fighting litigation since 2007 for vacating the suit premises.

Considering the facts aforesaid, I do not find any reason to stay the execution case. Accordingly, I do not find any jurisdictional error in the order dated 07.02.2018 passed in Execution Case No.1 of 2013. Thus, the same is dismissed.

(Prabhat Kumar Jha, J)

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