

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.1534 of 2018**

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1. M/s Budhia Enterprises through Vijay Kumar Budhia
  2. Vijay Kumar Budhia son of Late Ganga Prasad Budhia
  3. Smt. Sumitra Budhia wife of Sri Vijay Kumar Budhia
  4. Vikash Agarwal son of Sri Vijay Kumar Budhia
- All resident of Vasant Bihar Colony, P.O. & P.S. S.K.Puri, District- Patna

... .. Plaintiffs-Petitioners

Versus

1. Birendra Kumar Singh @ Heera Babu son of Late Gajendra Narain Singh
  2. Rajesh Kumar Singh son of Late Sunil Kumar Singh @ Gopal Jee
  3. Raj Lakshmi Singh daughter of Late Sunil Kumar Singh @ Gopal Jee
  4. Krishna Kumar Singh son of Late Sunil Kumar Singh @ Gopal Jee
- All residents of Rajendra Nagar, Road No. 12/D Saidpur, Extension Road,  
P.O. & P.S. Kadam Kuan, District- Patna
5. Veena Theatre (P) Ltd. Station Road, P.O.- G.P.O., P.S. Kotwali, District- Patna.

... .. Respondents

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**Appearance :**

For the Appellant/s : Mr.Jitendra Kishore Verma  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH  
ORAL JUDGMENT**

**Date : 06-09-2019**

Heard learned counsel for the petitioners.

2. This application under Article 227 of the Constitution of India has been filed by the petitioners for issuance of a direction to the learned Munsif-III, Patna to decide the suit bearing Title Eviction Suit No. 62 of 2000 within fixed time frame preferably within a period of four months or as soon as possible.

3. Mr. Jitendra Kishore Verma, learned counsel appearing for the petitioners submitted that the petitioners filed Title Eviction Suit No. 62 of 2000 praying for eviction of the respondents-tenants on the ground of default in payment of rent



since August, 2000 as also for committing breach of terms of the registered lease dated 07.07.1947 and for sub-letting.

4. The defendants filed written statement on 14.03.2002. Issues were framed on 13.02.1007 and subsequently additional issues were framed after amendment of plaint on 22.06.2012. The plaintiffs examined all their witnesses including plaintiff no.2 Vijay Kumar Budhia, who was discharged after cross-examination on 03.09.2008. The documents of the plaintiffs were exhibited. The evidence of the plaintiffs was closed on 24.07.2012. Thereafter, the defendants witnesses were to be examined and on different dates the case was adjourned for the said purpose. Some of the defendants witnesses were also examined, but unfortunately, for the last 17-18 years, the eviction suit is still pending at the stage of trial and has not been decided for one reason or another. On the basis of the aforesaid submissions, he has pleaded that a direction be given to the learned Munsif to decide the case without any further delay.

5. Regard being had to the nature of the prayer, I do not think it necessary to issue notice to the defendants respondents, as every trial should be held expeditiously, be it civil or criminal. It would be in the interest of justice to the petitioner and the respondents that the suit be decided without any further delay.



6. Accordingly, I direct the learned Munsif-III, Patna to take all possible steps to dispose of Title Eviction Suit No. 62 of 2000 at the earliest, preferably within a period of six months from the date of receipt/production of a copy of the order.
7. With the aforesaid direction, the application is disposed of.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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