

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.64 of 2018

1. Subhash Kumar Bothra
2. Raj Kumar Bothra @ Raj Kumar Jain Both Son of late Deepchand Bothra @ Deepchand Jain, Resident of Marwari Mohalla, Ward No. 17, Arariya Nagar Parishad, P.O. P.S. and District- Araria.

... .. Petitioner/s

Versus

Md. Sarmad Ansari Son of Md. Muslim Ansari by caste of Muslim by occupation Unemployed resident of Mohalla Churi Patti, Ward No. 23 within Araria Nagar Parishad, P.O. and P.S. and District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-03-2019

Heard learned counsel for the parties.

2. The tenant has filed this civil revision application under Section 14(8) of the Bihar Building (Lease, Rent & Eviction) Control Act, 1982 against the judgment and decree dated 17.01.2018 passed in Eviction Suit No.01 of 2013 by the court of learned Munsif, Araria, whereby suit, on the ground of personal necessity, was decided in favour of the plaintiff-respondent.

3. This civil revision application is barred by limitation of 53 days. The delay in filing of the revision application is explained in I.A.No.6121 of 2018. Hence, the delay is condoned. Accordingly, I.A.No.6121 of 2018 stands disposed of.



4. Learned counsel for the petitioners submits that the impugned judgment would reveal that the learned court below has not considered the requirement of law regarding partial eviction of the suit premise to suffice the need of the plaintiff. As such, the entire judgment and decree is vitiated in law.

5. While deciding issue No.3 relating to personal necessity for own business purpose of the suit premise measuring 13 x 15 feet pertaining to Holding No.890 in Mauza-Basantpur, Ward No.25 within town and district-Araria, the learned trial court observed that the plaintiff is himself an unemployed person having no source of income to earn livelihood and as such wants the suit premise to start his own business. The court further found that the defendant did not produce any evidence to rebut the claim of the plaintiff.

6. The law is well settled that unless the defendant put-forward a case that need of the plaintiff would be satisfied even by partial eviction of the suit premise, the court is not bound to go into that. Moreover, the area of the suit premise referred above does not show that partial eviction would fulfill the requirement of the plaintiff. Therefore, in my view, the impugned order suffers from no illegality and material irregularity. Accordingly, there is no merit in this civil revision application.



7. Accordingly, this civil revision application stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2019
Transmission Date	NA

