

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.378 of 2021

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Shanti Kumar Jain, Son of Late Parmeshwar Lal Jain Resident of Mohallah-
Marwari Bazar, Ward No.22, Town- Samastipur, Post Office and Police
Station- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. Shakuntala Devi, Wife of Late Sushil Kumar Sinha Resident of Mohallah-
Marwari Bazar, Ward No.22, Town Samastipur, Police Station and Post
Office- Samastipur, District- Samastipur.
2. Prem Kumar Sinha, Son of Late Sushil Kumar Sinha Resident of Mohallah-
Marwari Bazar, Ward No.22, Town Samastipur, Police Station and Post
Office- Samastipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-12-2021 Heard the learned counsel for the petitioner.

The learned counsel for the petitioner has submitted that the plaintiff-landlord has filed a suit for eviction as Eviction Suit No.4 of 2013, which was decreed by the Court below. Against that decree, the Appeal was filed and pending before the Additional District Judge, Samastipur as Eviction Appeal No.3 of 2018. Learned counsel for the petitioner has submitted further that the suit was only on the ground of personal necessity under Section 11(1)(c) of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as the 'BBC Act'), as such, the decree may only be challenged

under revisional jurisdiction under Section 14(8) of the BBC Act and the Appeal was not maintainable. The respondent has filed the petition dated 05.02.2019 for hearing the matter on the point of maintainability but after lapse of two years that petition has not been disposed of as yet.

In the above mentioned facts and circumstances, the learned Additional District & Sessions Judge, Samastipur is directed to dispose of the petition dated 05.02.2019, as expeditiously as preferably within a period of two months. This two months limitation will be subject to any procedural or legal impediment which is beyond the contract of the parties.

With these observations and directions, the present Civil Misc. petition is being disposed of.

(Nawneet Kumar Pandey , J)

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