

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.408 of 2021

1. Prabhakar Narayan Singh, Son of Late Muneshwar Narayan Singh, Resident of Village-Sorampur, P.S.-Dulhin Bazar, District-Patna, at present residing in the house of Anil Kumar, behind Patanjali Mega Store, Gola Road, P.S.-Rupaspur, District-Patna.
2. Ashwani Kumar @ Lallaji, son of Late Tarkeshwar Narayan Singh, Resident of Village-Sorampur, P.S.-Dulhin Bazar, District-Patna, at present residing in the part house of Sri Kundan Kumar, Sawarnasan Lane, Naya Tola, P.S.-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. M/s Sidhnath Press through Proprietor Sri Sidhnath Rai, aged about 67 years, son of Late Fagu Rai, Resident of Bihari Bhawan, Swarnasan Lane, Naya Tola, P.S.-Kadamkuan, District-Patna.
2. Sidhnath Rai, son of Late Fagu Rai, Resident of Main Road, Buxar, P.S.-Buxar Sadar, District-Buxar at present residing at Bazar Samiti Chowk Opposite Main Gate of Bazar Samiti, P.S.-Bahadurpur, District-Patna.
3. M/s Super Offset Printers and Stationeries through its Proprietor Rameshwar Nath Rai, Gender-Male, son of Late Fagu Rai, Resident of Bihari Bhawan, Swarnasan Lane, Naya Tola, P.S.-Kadamkuan, District-Patna.
4. Rameshwar Nath Rai, son of Late Fagu Rai, Resident of Main Road, Buxar, P.S.-Buxar Sadar, District-Buxar at present residing at Bazar Samiti Chowk Opposite Main Gate of Bazar Samiti, P.S.-Bahadurpur, District-Patna.
5. The Learned Munsif-III, Civil Court, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioners.

The petitioners are plaintiffs of Eviction Suit No. 21 of 2017 as well as Eviction Suit No. 20 of 2017 pending in the court of Munsif-III, Patna.

Learned counsel for the petitioners has submitted that



both the suits have been filed under Section 11 (1) (C) of the Bihar Buildings (Lease Rent and Eviction) Control Act, 1982 for which a special procedure has been prescribed under Section 14 of that Act, i.e. of summary proceeding, but after lapse of five years, no progress has been made, as the Court is vacant for a long period. The learned counsel has further submitted that the petitioners are facing hardship and their relief has been set to stagnancy. The learned counsel has also submitted that in both the cases, the respondents appeared and written statements have been filed.

In these circumstances, the learned Incharge Court is directed to proceed with the suits keeping in mind the object of Section 14 of the aforesaid Act if there is no jurisdictional error or any legal or procedural hindrance, till joining of the Presiding Officer of the Court in which the suits are pending and subject to the priority of his own docket.

With the above observation/direction, this miscellaneous petition is being disposed of.

(Nawneet Kumar Pandey , J)

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