

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.16 of 2020

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Smt. Mamta Agrawal, Wife of Sri Satya Narayan Agrawal, Resident of
Village, P.O. and P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

Vijay Kumar Bairoliya, Son of Late Krishna Kumar Bairoliya, Resident of
Mohalla- Masraf Bazar, P.S.- Town Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abinash Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 03-02-2021 Petitioner has prayed for the following relief(s):

“For setting aside the
part of order dated 02.01.2014 passed by
learned Sub-Judge IVth, Darbhanga in Eviction
Suit No. 5 of 2009, whereby petitioner’s
petition under & Rule 11 C.P.C. has been
rejected erroneously.”

Having heard learned counsel for the petitioner as also
perused the material placed on record, it cannot be said that the
order dated 2nd of January, 2014, passed by learned Sub-Judge
IVth, Darbhanga in Eviction Suit No. 5 of 2019 (Vijay Kumar
Bairoliya Vs. Smt. Mamta Agrawal) requires any intervention.

The impugned order dated 02.01.2014 is challenged
vide instant petition instituted on 04.01.2020.



The delay and laches remains unexplained. Attempt of explaining the same is absolutely unsustainable, if the grounds are not cooked up, as the purported reason for delay is lack of proper advice by the learned counsel.

The parties to the plaint, undisputedly, entered into an agreement on 21.06.2007. Whether there was any breach thereof or not is a matter of trial. It is not a case where the plaint does not disclose a cause of action; the plaint is not sufficiently stamped; or the suit is barred by any law.

As such, the present petition is dismissed.

(Sanjay Karol, CJ)

K.C.Jha/-

