

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.756 of 1980

1. Bihar State Food and Civil Supplies Corporation Patna Patna through its Managing Director.
2. District Manager, Bihar State Food and Civil Supplies Corporation, Katihar District Katihar.

... .. Appellant/s

Versus

1. M/S Bhola Ram Agarwal a registered Partnership Firm, Salmari, P.S. Azamnagar District Katihar.
2. Ram Autar Agarwal S/o Late Jhutha Ram Agarawal, Resident of Salmari, P.S. Azamgarh District Katihar.
3. Bhola Ram Agarawal S/o Late Jhutha Ram Agarawal, Resident of Salmari, P.S. Azamgarh District Katihar.
4. Smt Sita Devi S/o Late Sri Prithvi Chand Agarawal, Resident of Salmari, P.S. Azamgarh District Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : None.

For the Respondent/s : None.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 12-12-2022

No one appears on call.

On 14.11.2022, the following order was passed :

“ On call, no one appears.

As a last chance, list this matter after four weeks.

In the meantime, it is expected that a synopsis relating to the dates and events as also facts will be provided on the next date



of hearing.”

The present petition was filed against the judgment and decree dated 22.3.1980 passed by the Subordinate Judge, Katihar in Title Suit No. 06 of 1978 by which the suit was allowed with the following observations :

15. I find that, if 22.2.75 is taken as the starting date of tenancy, then the notice (Ext.A) will not be valid according to law, as clear 15 days notice of determining the tenancy was not given. But, this line of plea was not taken in the W.S. Further, the learned lawyer for the defendant did not make any such argument in course of his argument. This leads the logical inference that the tenancy was month to month tenancy according to English calendar. And, taken in that perspective, the notice (Ext.1) is legal and valid notice U/s. 106 T.P. Act.

Ordered

that the suit be, and the same is decreed in part as indicated above on contest with



proportionate cost. The defendants are directed to give vacant possession “Page no. 10 begins” over the suit godown to the plaintiffs within the period of 60 days from now, failing which the plaintiffs will be entitled to recover possession by process of court. Pleader’s fee Rs. 32/- only.”

Aggrieved, the present appeal was filed but no one has turned up to plead the case.

It seems, the appellant has lost interest in the case.

The First Appeal No. 756 of 1980 is accordingly dismissed for non-prosecution.

(Rajiv Roy, J)

Ravi/Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2022
Transmission Date	NA

