

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.822 of 2022

Deepak Kumar S/o-Late Sukhdeo Prasad Proprietor-Aabhushan Nirmata, R/o-
M.I.G. House No.-21, Kankarbagh Colony, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

Akhauri Rajesh Sinha S/o-Late A.N. Sinha, R/o-21, M.I.G., Kankarbagh
Colony, P.S.-Kankarbagh, District-Patna through his Constituted attorney Sri
Umesh Prasad, S/o-Late Dina Nath Gupta.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate.

For the Respondent/s : Mr. Pankaj Maijorwar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 15-12-2022 Heard learned counsel for the parties concerned.

The petitioner is aggrieved by the order dated 3.8.2022 passed by the learned Munsif-III, Patna, in Title Eviction Suit No. 26 of 2018 whereby and whereunder the learned Trial Court has directed the petitioner to pay arrears of rent.

At the outset, learned counsel for the petitioner submits that he is liable to pay arrears of rent as directed by the Trial Court in Title Suit No. 26 of 2018, but after calculation, arrears of rent becomes huge amount, which learned counsel submits that he will pay in four equal installment.

Learned counsel for the respondent/plaintiff submits that the arrears of rent to be deposited by the petitioner (from March, 2018 to August, 2022) comes to around Rs.95,040/-.

In view of the submission made by learned counsel for the petitioner, the prayer of the petitioner is allowed and the



petitioner is permitted to deposit the arrears of rent in four equal installments before the learned Trial Court positively, failing which, the defence of the petitioner shall be struck-off.

At this juncture, learned counsel for the plaintiff/respondent submits that the Eviction Suit has been filed under Section 14 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 on the ground of personal necessity which is required to be disposed expeditiously as per the statutory provisions. Accordingly, his prayer is that the learned Trial Court may be directed to dispose the Eviction Suit on its merit within a reasonable period of time.

Taking into consideration the submission of learned counsel for the respondent, I direct the learned Trial Court to dispose the Eviction Suit on its own merit within a period of six months positively.

With the aforesaid observation and direction, this application stands disposed of.

(Anil Kumar Sinha, J)

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