

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1415 of 2018

Ansarul Haq @ Md. Anasarul Haque S/o Abdul Jabbar resident of Mohalla -
Brahbatra, P.S. - Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

1. Md. Safiruddin
2. Md. Jafiruddin Both are S/o Jakiuddin Mautawafa
3. Tebun Nisha W/o Jakiuddin Mautawafa All are resident of Mohalla -
Brahbatra, P.S. - Ara Town, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate

For the Respondent/s : Mr. Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 28-08-2023

I.A No. 2 of 2023

The present interlocutory application has been filed for substitution of heirs and legal representatives of the petitioner who died during the pendency of this application.

2. For the reasons mentioned in the interlocutory application, it is allowed. Let the heirs and legal representatives of the petitioner be substituted in his place and the name of petitioner be expunged from the array of the parties.

3. This application has been filed for setting aside the order dated 30.05.2018 passed by learned Execution Munsif, Ara in Eviction Case No. 08 of 2013 by which learned Munsif has rejected the application of the petitioner.

4. From reading of the entire records of the case, it appears that tenant is trying to delay the eviction suit of 2013 by filing the present application. By impugned order dated 30.05.2018, learned Execution Munsif, Ara in Eviction Case



No. 08 of 2013 had directed the parties to lead evidence.

5. Learned counsel for the landlord has submitted that evidence of the landlord has been completed and the tenant is trying to delay the case.

6. The Execution Munsif, Ara is directed to conclude the eviction suit bearing Eviction Case No. 08 of 2013 within three months of the receipt/communication of a copy of this order. He will proceed *ex parte* against non-cooperating party and also file the compliance report before this Court.

7. With the aforesaid observation and direction, this application is dismissed with cost.

(Sandeep Kumar, J)

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