

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6744 of 2011

=====

KISHRE GOSWAMI, s/o Late Dev Narayan Goswami, Resident of Mohalla-Meena Bazar, P.S.-Alamganj, P.S.-Gulzarbagh, Patna City, Distt. Patna.

... .. Petitioner/s

Versus

ARUN KUMAR GUPTA @ ARUN KUMAR, s/o Late Benga Sao, Resident of Mohalla-Meena Bazar, P.S.-Alamganj, P.O.-Gulzarbagh, Patna City, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 23-11-2023 Heard learned counsel for the petitioner and learned counsel for the sole respondent.

2. The present application has been filed for quashing the order dated 21.04.2010 passed by learned Munsif, Patna City by which he was pleased to allow the application dated 29.03.2010 filed by the tenant for comparison of hand-writing of the tenant with the money-receipt of January and February, 1999.

3. The petitioner is the landlord. The eviction suit is of the year 2005. The tenant has succeeded in keeping the eviction suit pending for 18 years. It has been further submitted by learned counsel for the petitioner that after the application of the tenant for comparison was allowed, the tenant did not take any step for comparison, which is apparent from the records of the case.

4. It appears from the records that the order for comparison was passed on 21.04.2010, thereafter the tenant did not



take any step till 12.01.2011 and when the tenant is not interested in complying the impugned order dated 21.04.2010, the eviction suit filed by the petitioner cannot kept hanging.

5. In such circumstances, this application is disposed of with a direction to the Munsif, Patna City to dispose of the eviction suit within three months of communication of this order. The suit will be heard on day to day basis, no unnecessary adjournment shall be granted to either side. The Court below will proceed ex-parte against non-cooperating party. Since the tenant did not taken any steps for complying the impugned order dated 21.04.2010, he will now not be given any opportunity for comparing the signature.

6. This application is disposed of with the aforesaid direction.

7. Let a copy of this order be communicated to the District & Sessions Judge, Patna forthwith through FAX or e-mail for its compliance.

8. The Munsif, Patna will file compliance report after three months, i.e., after disposing of the eviction suit as per the direction of this Court.

(Sandeep Kumar, J)

sanjeev/-

U			
---	--	--	--

