

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 1735 of 2019**

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Ram Bahadur Mahto, S/o Late Bhagloo Mahto, R/o Village- Bagha, P.S. Muffasil Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

Ashok Mahto, S/o Late Srilal Mahto, R/o Village- Bagha, P.S. Muffasil Begusarai, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Ansul

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-09-2023 Heard the parties.

2. An eviction suit on the ground of personal necessity has been filed by the landlord in the beginning of the year 2010 being Title Eviction Suit No. 6 of 2010. An application dated 11.02.2019 was filed under Order 6 Rule 17 for amendment of written statement by the tenant. The evidence of the landlord has been concluded before filing of the petition dated 11.02.2019. By the detailed impugned order, the amendment application has been rejected.

3. I have heard learned counsel for the parties and gone through the impugned order.

4. It appears that the tenant is trying his level best to delay the disposal of the Eviction Suit which is of the year 2010 and which has been filed on behalf of the landlord on the ground



of personal necessity.

5. Considering the aforesaid, I am not inclined to interfere in the impugned order and I find that the amendment application was filed malafidely. This application is dismissed with cost.

6. The Munsif, Begusarai is directed to hold day-to-day hearing of Title Eviction Suit No. 6 of 2010 and will dispose of the same within three months from the date of receipt / production of a copy of this order without giving unnecessary adjournment to either side and will proceed *ex parte* against the non-cooperating party. A compliance report must be sent to this Court.

7. Pendency of any application in the High Court will not operate as automatic stay of the eviction suit.

8. Let a copy of the order be communicated to the District Judge, Begusarai through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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