

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1236 of 2023**

Smt. Renu Bajaj, Wife of Sri Anil Kumar Bajaj, Resident of Flat No. 302, Pushpanjali Venkatesh, Budh Marg, Police Station - Kotwali, Post Office - G.P.O. District - Patna -800001.

... .. Petitioner/s

Versus

1. Patliputra Sales Corporation a partnership business firm having its office situated at Office No. 12A and 2B, Block-A, First Floor, Ashoka Place, Exhibition Road, Police Station - Gandhi Maidan, Post Office - G.P.O., District - Patna- 800001 through one of its partner Sri. Pankaj Agrawal, son of Sri. B.P. Agrawal.
2. Sri Pankaj Agrawal, Son of Sri B.P. Agrawal, resident of Opposite Gardiner Road Hospital, Income Tax Building, Bailey Road, Police Station - Kotwali, Post Office - G.P.O., District - Patna - 800001.
3. Sri Rishu Bajaj, Sri Anil Kumar Bajaj, resident of Flat No. 302, Pushpanjali Venkatesh, Budh Marg, Police Station - Kotwali, Post Office - G.P.O. District- Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 26-11-2024

Heard learned counsel for the petitioner and I intend to dispose of the present petition at the stage of admission itself.

2. Despite valid service of notice, none has entered appearance on behalf of the respondents.

3. The learned counsel for the petitioner submits that in the instant petition, the petitioner is challenging the order dated 08.09.2023 passed by the learned Sub Judge-XIII, Patna in Eviction Suit No. 123 of 2013 whereby and whereunder the application dated 06.02.2018, filed by the plaintiff/petitioner



under Section 15 of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 (hereinafter referred to as 'the BBC Act'), has been rejected. The learned counsel further submits that the petitioner is the plaintiff in the eviction suit and has brought the suit against the respondents, which is a partnership firm and its partners. The learned trial court did not pass any orders on the aforesaid application merely holding that the plaintiff has not submitted any document regarding relationship between the parties as landlord and tenant and did not show any paper which could clear the fact about the rent fixed between the parties and, thus, the learned trial court held that it was difficult to determine the rent and pass the order under Section 15 of the BBC Act. The learned counsel further submits that the finding of the learned trial court is perverse as the plaintiff has specifically pleaded in paragraph 6 of his plaint that rent @ Rs. 25,000/- per month was fixed and there is no denial from the side of the defendants/respondents to the said fact. Rather the defendants/respondents have admitted in paragraph 2 of their application for leave to defend the suit that there is relationship of the landlord and the tenant between the plaintiff and the defendants. In the light of these facts, the learned trial court not passing any order is very surprising. The learned counsel further



submits that the respondents have been avoiding appearance before this Court despite valid service of notice and the same *modus operandi* has been adopted by the defendants before the learned trial court as well.

4. Perused the records.

5. I find some merit in the submission of the learned counsel for the petitioner. The conduct of the learned trial court in not passing any orders on the application filed under Section 15 of the BBC Act is most unfortunate and should be deprecated.

6. In such view of the matter, without going into the merits of the case, the learned trial court is directed to pass a reasoned order on the application dated 06.02.2018 filed on behalf of the plaintiff/petitioner under Section 15 of the BBC Act within two weeks from the date of receipt/production of a copy of this order, since the court cannot keep the matter pending saying that it is difficult to determine the rent and pass orders under Section 15 of the BBC Act.

7. At this stage, learned counsel for the petitioner submits that the eviction suit has been filed in the year 2015 and till date, issues have not been framed and the learned trial court may also be directed to frame the issues and dispose of the eviction suit in a time bound manner.



8. In view of the fact that in the eviction suit of 2015, issues are yet to be framed, learned trial court is directed to proceed for settlement of issues immediately and try to dispose of the matter at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

9. With the aforesaid observations/directions, the present petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2024
Transmission Date	NA

