

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.103 of 2025

Most. Urmila Devi Wife of Late Shyamdeo Singh, Presently residing at 3/97, LIG Hanuman Nagar, P.S- Patrakar Nagar, Kankarbagh, Patna-800020, Permanent residence at Masaudha Telpa, Majhanpura, Patna, Bihar- 801109.

... .. Petitioner/s

Versus

1. Mohit Sinha Son of Late Shyamdeo Singh, Presently residing at 3/97, LIG Hanuman Nagar, P.S- Patrakar Nagar, Kankarbagh, Patna-800020, Permanent residence at Masaudha Telpa, Majhanpura, Patna, Bihar- 801109.
2. Rohit Sinha Son of Late Shyamdeo Singh, Presently residing at 3/97, LIG Hanuman Nagar, P.S- Patrakar Nagar, Kankarbagh, Patna-800020, Permanent residence at Masaudha Telpa, Majhanpura, Patna, Bihar- 801109.
3. Rita Sinha Wife of Late Binay Kumar Sinha, Permanent Residence of Village- Chaipur Baghail, P.S- Sahdei Buzurg (Deshari), Vaishali, Bihar, Presently Residing at A-51, Kankarbagh Colony, P.S- Kankarbagh, Patna, Bihar-800020.
4. Vishal Sinha Son of Late Binay Kumar Sinha, Permanent Residence of Village- Chaipur Baghail, P.S- Sahdei Buzurg (Deshari), Vaishali, Bihar, Presently Residing at A-51, Kankarbagh Colony, P.S- Kankarbagh, Patna, Bihar-800020.
5. Ashish Benay Son of Late Binay Kumar Sinha, Permanent Residence of Village- Chaipur Baghail, P.S- Sahdei Buzurg (Deshari), Vaishali, Bihar, Presently Residing at A-51, Kankarbagh Colony, P.S- Kankarbagh, Patna, Bihar-800020.
6. Garima Sinha Daughter of Late Binay Kumar Sinha, Permanent Residence of Village- Chaipur Baghail, P.S- Sahdei Buzurg (Deshari), Vaishali, Bihar, Presently Residing at C/o of Animesh Verma, Flat No. 201, Samarta Apartment, 18th Main Road Kumarswamy Layout, Door No. 2405, Bangalore, Karnataka-560078.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Record has been taken up on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner.



3. The petitioner has approached this Court with a prayer to direct the learned Civil Judge (Senior Division) – IX, Patna Sadar to expedite the proceeding of Eviction Suit No. 89 of 2012.

4. Learned counsel for the petitioner submits that the eviction suit has been pending since 2012 which has been filed under Section 14 of Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 and summary procedure is supposed to be adopted. Learned trial court has not adhered to the specific provisions of law in this regard and has not been even following the procedure of Code of Civil Procedure. Learned counsel has referred to a decision of Hon'ble Supreme Court in the case of ***Yashpal Jain Vs. Sushila Devi & Others*** passed in ***Civil Appeal No. 4296 of 2023***, wherein the Hon'ble Supreme Court has issued certain directions for expediting the trial before the learned subordinate court putting stress on disposal of the cases which are pending for more than five years. Learned counsel further submits that earlier in Civil Miscellaneous Jurisdiction No. 641 of 2023, preferred by the respondents, while dismissing the petition as withdrawn, learned Coordinate Bench directed the learned trial court to dispose of Eviction Suit No. 89 of 2012 within three months of the receipt/production of a copy of the



said order and learned trial court was also directed to file a compliance report after three months.

5. Since the petitioner has approached this Court with limited prayer for expeditious disposal of the eviction suit which is pending since 2012, I do not think there is any need to issue notice to the private respondents.

6. Having regard to the submission of the learned counsel for the petitioner as well as the general directions issued by the Hon'ble Supreme Court in the case of ***Yashpal Jain Vs. Sushila Devi & Others*** (*supra*) and the order of the learned Coordinate Bench for disposal of Eviction Suit No. 89 of 2012 within three months, the learned trial court is directed to immediately send the explanation for not disposing of the matter in terms of order dated 05.10.2023 passed in Civil Miscellaneous Jurisdiction No. 641 of 2023. As the matter has not been disposed of in compliance of order dated 05.10.2023 passed in Civil Miscellaneous Jurisdiction No. 641 of 2023, the learned trial court is directed to expedite the matter and dispose of the suit at the earliest having regard to directions of Hon'ble Supreme Court in the case of ***Yashpal Jain Vs. Sushila Devi & Others*** (*supra*) and also the order dated 05.10.2023 of the learned Coordinate Bench in Civil Miscellaneous Jurisdiction



No. 641 of 2023.

7. With the aforesaid direction, the present petition
stands disposed of.

(Arun Kumar Jha, J)

DKS/-

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