

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1268 of 2024**

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Girja Shanker Dutt, Son of Late Bibhuti Bhushan Dutta, Resident of 111-A, Patliputra Colony, P.S. - Patliputra, District - Patna, Currently residing at H.No. 180, National media Center, DLF Phase - 3, Nathupur (67), Gurgaon, Haryana - 122002.

... .. Petitioner/s

Versus

1. M/S Amit and Ashish Restaurant through its partner Ashish Kumar, male, aged about 35 years, son of Sri Lalan Bhagat, resident of Ward No. 16, Lakshmipur, Mohalla, near Panchmukhi Chawk, Madhepura, Bihar.
2. Amit Kumar, Son of Sri Santosh Kumar Singh, resident of near Kali Mandir, Dariyapur, Arrah, Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Shivam Singh, Advocate Mr. Nikhil Singh, Advocate Ms. Deepali Singh, Advocate Ms. Alka Singh, Advocate Mr. Kumar Vikram, Advocate
For the Respondent/s	:	Mr.

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

Date : 16-07-2025

The record taken up on mentioning being made on behalf of the petitioner.

2. Today, learned counsel for the petitioner has filed hard copy of supplementary affidavit in Court, which is taken on record.

3. Heard learned counsel for the petitioner.

4. The petitioner has approached this Court with limited prayer seeking direction to the learned Sub Judge-XIII, Patna to hear the Eviction Suit No. 34 of 2021 on day to day



basis under the provisions of Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 (hereinafter referred to as the 'BBC Act').

5. The learned counsel for the petitioner submits that the defence of the defendants/respondents was struck off on 11.08.2023 as the defendants/respondents failed to abide by the order of the learned trial court dated 20.02.2023 passed on an application of the plaintiff/petitioner filed under Section 15 of the BBC Act directing the defendants/respondents to make the payment of arrears of rent as well as up to date rent by 15th of each month. Thereafter, the evidence of the plaintiff was closed on 10.11.2023 and since then, the matter has been coming up at the stage of argument. The learned counsel further submits that the learned trial court has shown much indulgences to the defendants/respondents and perusal of the copy of the order-sheets of the learned trial court annexed with the present petition will clearly show that a number of opportunities were given to the defendants as a last chance for advancing their arguments. Twice the matter has been fixed for judgment and taken back on some frivolous applications filed by the defendants. Meanwhile, a number of Presiding Officers have also changed and taking advantage of frequent changes, the defendants/respondents have



been enjoying the premises without paying any rent and the total arrears of rent is reached more than Rs. 1 crore.

6. Perused the record.

7. From perusal of record and especially perusal of copy of the order-sheets, I find merit in the submission of learned counsel for the petitioner. From the order-sheets, it appears the learned trial court has been granting adjournments to the defendants/respondents on their asking without any questions being asked.

8. Since, the petitioner has approached this Court with limited prayer for expeditious disposal of his eviction suit and it also appears from the affidavit of the petitioner that the petitioner is aged about 75 years, I do not think there is any need to issue notice to the respondents.

9. Though this Court is aware about the decision of the Hon'ble Supreme Court in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh and Ors.*** reported in ***(2024) 6 SCC 267***, still considering the fact that the matter is at the stage of argument for two years and twice the matter has been fixed for judgment, this Court is of the view that this is a fit case for exercise of supervisory jurisdiction by this Court.



10. Having regard to the facts and circumstances and submission made on behalf of the petitioner, the learned Presiding Officer, who is now *in seisin* of the matter is directed to take up the matter for expeditious disposal since the matter has been struck at the stage of argument for almost two years and considering the intent and purpose of legislature in enacting the BBC Act and also considering the old age of the petitioner, the learned trial court is directed to dispose of Eviction Suit No.34/2021 on its merits and in accordance with law at the earliest and preferably within a period of one month from the date of receipt/production of a copy of this order, without adjourning the matter unnecessarily.

11. The parties are also directed to cooperate in the matter for its early disposal without seeking unnecessary adjournment.

12. With the aforementioned observations and directions, the instant petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2025
Transmission Date	NA

