

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12908 of 2014

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1. Sanjeev Kumar Choudhary son of Late Sitaram Choudhary.
 2. Shankar Lal Choudhary.
 3. Atmaram Choudhary, both sons of Late Khemchand Choudhary All resident of C/o Bharti Vastralaya Ashok Rajpath, P.S. Pirbahore, District Patna- 800004.

.... Petitioner/s

Versus

Sita Devi Dokania wife of Late Gopal Krishna Dokania, resident of Mohalla Khalifabagh, P.S. Kotwali, in the town and district of Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 18-05-2015 Heard Mr. Rajendra Narayan, the learned senior counsel appearing on behalf of the petitioners and Mr. Deepak Kumar Sinha, the learned counsel appearing on behalf of the respondent.

Calling in question the order rejecting the prayer of the defendants in the eviction suit for appointment of Pleader Commissioner to find out the shape, nature, area and boundary of the suit property, the defendant-petitioners has filed this application under Article 227 of the Constitution of India.

The eviction suit has been filed by the defendants in the year 1994 on the ground of default in payment of rent and also

the expiry of lease. From the averments in the writ application, it does not appear that the defendant-petitioners has anywhere denied the relationship of landlord and tenant and questioned the title of the plaintiff over the suit premises. The purpose for which the prayer for appointment of a Pleader Commissioner has been made are clearly not material for deciding the crucial issues in the eviction suit. The learned court below has correctly considered the matter and rejected the petition of the petitioners. This Court, after considering the submissions and the facts and circumstances of the case, is not inclined to interfere with the impugned order.

The writ application is, accordingly, dismissed.

However, the learned court below is directed to dispose of the suit which is pending since 1994 expeditiously and preferably within a period of six months from the date of receipt/production of this order. The learned court below is further directed to avoid granting unnecessary adjournments to the parties and make endeavours to maintain the time frame.

(V. Nath, J)

Devendra/-

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