

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.944 of 2016

=====

Khwaja Md. Azhar Siddique @ Azhar Siddique

.... Appellant/s

Versus

Lalan Prasad & Anr

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anjum Perveen

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 06-09-2016 Heard learned counsel Mr. Arshad Alam for the
petitioner.

Perused the impugned order dated 25.07.2016 passed
by learned Munsif, Jamui in Eviction Suit No.03 of 2014 which
was filed by the plaintiff-petitioner on the ground of personal
necessity whereby the learned Munsif has rejected the application
filed by the plaintiff under Order 26 Rule 9 of the Code of Civil
Procedure for appointment of Pleader Commissioner.

From perusal of the impugned order, it appears that the
court below has recorded a finding that it is not necessary to
appoint Pleader Commissioner for making local inspection, which
will be a futile exercise and it will be nothing but wastage of time.

Admittedly as has been mentioned in this civil
miscellaneous application at paragraph 3 that the court below is
dealing with eviction suit on the ground of personal necessity in

the prescribed procedure i.e. under Section 14 of the Bihar Building (Lease, Rent & Eviction) Control Act, 1982. Therefore, so far appointment of Pleader Commissioner is concerned, it is not necessary at all as the plaintiff is required to prove his bonafide requirement only.

The learned counsel for the petitioner submitted that injunction application is pending and substitution application is also pending. If those applications are pending and if the petitioner shall press the same, the court below shall pass order according to law.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--