

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1140 of 2016**

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Kailash Choudhary

.... Appellant/s

Versus

Laxman Mahaseth

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Bali Jha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 22-11-2016

Heard the learned counsel for the petitioner.

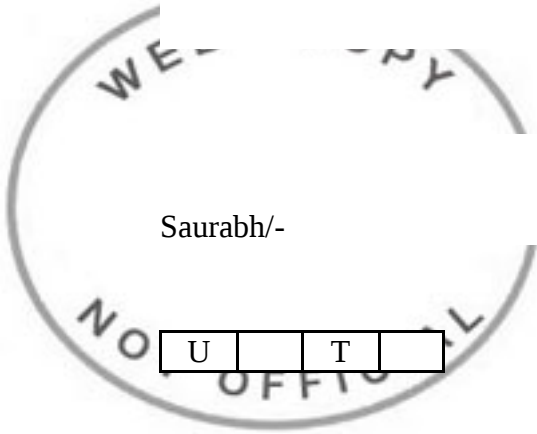
Perused the impugned order dated 11.08.2016 passed by
1st Munsif, Darbhanga in Eviction Suit No.26 of 2002 whereby the
learned Court below rejected the application filed by the tenant-
defendant-petitioner for appointment of Pleader Commissioner.

It may be mentioned here that the eviction suit was filed
by the plaintiff-respondent for eviction of the tenant on the ground
of personal necessity and default.

In such circumstances, the court is required to see as to
whether there is relationship of landlord and tenant between the
parties and whether the plaintiff has made out any case provided
under Section 11 of the Bihar Building(Lease, Rent & Eviction)
Control Act and for deciding this dispute between the parties,
appointment of Pleader Commissioner is not at all necessary and,

therefore, I find no reason to interfere with the impugned order.

Thus, this Civil Miscellaneous application is dismissed.



(Mungeshwar Sahoo, J)