

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1164 of 2016**

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Diwakar Sharma

.... Appellant/s

Versus

Smt. Krishna Devi Khandelwal & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha

For the Respondent/s : Mr.

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

ORAL ORDER

3 06-12-2016 Heard the learned counsel, Mr. Nand Kishore Prasad Sinha for the petitioner.

Perused the impugned order dated 18.08.2016 passed by Additional District Judge 5th, Gaya in Eviction Appeal No.14 of 2014 whereby the learned lower appellate court has rejected the application filed by the petitioner for appointment of Pleader Commissioner.

From perusal of the impugned order, it appears that Court below has passed a reasoned order. It appears that the eviction suit has been decreed. The petitioner's case before the High Court is that he has already vacated the suit premises and, therefore, the Pleader Commissioner be appointed for identification of the suit land.

So far the case made out by the defendant-petitioner is concerned, it may very well be said that if he has already vacated



the suit premises then there is no question of appointment of Pleader Commissioner arises. Further, the appellate court can take additional evidence only if it is necessary. In an eviction suit, the Pleader Commissioner has got no role to play and, therefore, the learned Court below has rightly rejected the application.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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