

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1203 of 2017

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1. Arvind Kumar Alias Arvind Kumar Singh son of Shri Lakshman Singh resident of village Sutihara P.S. Mushari District Muzaffarpur.
2. Bharat Lal Prasad son of Mushar Mahto resident of village Sutihara P.O. Chapra Megh P.S. Mushari District Muzaffarpur.

.... Appellant/s

Versus

1. Dahaur Mahto son of Late Rambhajan Mahto resident of village Sutihar P.O. Chapra Megh P.S. Mushari District Muzaffarpur.
2. Bashistha Mahto son of Pathlu Mahto resident of village Sutihar P.S. Mushari District Muzaffarpur.

.... 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 PRABHAT KUMAR
JHA

ORAL ORDER

2 24-07-2018 Heard the learned counsel for the petitioners.

The petitioners are the plaintiffs in Title Suit No. 11 of 2016. The petitioners filed the suit for declaration that they are tenants of the suit premises owned by the defendants but the defendants illegally put locks on the shop of the petitioners and that is why the petitioners filed the suit for declaration that they are tenants and for grant of compensation on account of illegal locking of their shops by the defendants. The defendants appeared and stated that they did not put any lock in the shop of the plaintiffs. The defendants have already filed Eviction Suit against the plaintiffs of the present case for their eviction from the suit



premises. On such, the learned Sub Judge dismissed the petition of the petitioners for appointment of pleader commissioner for unlocking the shops and preparing the inventory on the ground that in view of the assertion made by the defendants that they did not put any lock in the shop of the plaintiffs Pleader Commissioner can not be appointed to collect evidence.

The learned counsel for the petitioners submits that the order is illegal but I do not find any reason to interfere in the order in view of the fact that the defendants have very specifically denied that they had put any lock in the shops of the plaintiffs/ petitioners rather they filed suit for eviction of the plaintiffs from the suit premises. The relation of plaintiffs and defendants is admitted that plaintiffs are tenants of the defendants and it has no where come that who put lock in the shop of the petitioners.

I do not find any merit in the Civil Misc. petition and the same is, accordingly, dismissed.

The suit may be disposed of as early as possible, preferably, within six months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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