

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.509 of 2018

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1. Md. Nahaluddin
2. Md. Imamuddin Both sons of late Hazi Jamaluddin residents of Mohalla
Naya Tola, Aassanandpur, P.S. Tatarpur, District Bhagalpur.

.... Petitioners

Versus

1. Md. Khurshid Alam son of late Md. Yusuf
2. Zulalkha Bano wife of Md. Khurshid Alam Both residents of Mohalla -
Rashidpur, Akbarnagar, P.S. Akbarnagar, District Bhagalpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Bimlendu Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-05-2018 Heard Mr. Bimlendu Mishra, learned counsel for the
petitioners.

The petitioners being aggrieved by the order dated
02.02.2018 passed in Title Eviction Suit No.16/2012 by which the
learned court below dismissed the petition of the petitioners for
appointment of Pleader Commissioner and the defendants have
been directed to produce the evidence.

Mr. Bimlendu Mishra, learned counsel for the
petitioners submits that the petitioners filed suit for eviction of the
suit premises, which is in possession of the petitioners, on the
ground of personal necessity for running whole sale and retail
shop of stationary but the plaintiffs inducted many other tenants



after filing of the eviction suit. Therefore, the defendants/petitioners filed petition for appointment of pleader commissioner to report about the facts that how many persons were inducted in other parts of the suit premises by the plaintiffs after filing of the suit but I find that in a suit for eviction, on the ground of personal necessity, the appointment of pleader commissioner is not at all required. The defendants may produce evidence in order to show that the plaintiffs inducted many other tenants after filing of the suit, but for that, the appointment of pleader commissioner is not required.

Having considered the facts aforesaid, I do not find any illegality and irregularity in the order impugned.

Accordingly, this Civil Miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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