

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.64 of 2018

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1. Md. Nazrul Islam @ Chand, Son of Hafiz Nurul Islam, Resident of Village- Lakhminiya, Police Station- Ballia, P.O.- Lakhminiya, District- Begusarai. At present M/s Kitab Ghar, Municipality Road, Opposite of Market Today, Near Kachahari Chowk, Mohalla- Mungeriganj, P.S. and District- Begusarai.

.... Appellant/s

Versus

1. Smt. Malti Sahay, Wife of Ranjan Sahay,
2. Ranjan Sahay, Son of Late Shyam Shankar Sahay, Both residents of Mohalla- Mungeriganj, Near Kachahari Chowk, Municipality Road, P.S. and District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Waliur Rahman, advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 23-04-2018 Heard the learned counsel for the petitioner.

The petitioner has filed this petition against the order dated 09.08.2017 passed in Title Eviction Suit No. 01/13 by which the petition of the petitioner for appointment of Advocate Commissioner has been dismissed.

Admittedly, the petitioner is the defendant.

The learned counsel for the petitioner submits that the plaintiff filed the suit for eviction of suit premises on the ground of personal necessity. The plaintiff, who is an advocate, wants to run his office in the suit premises. The petitioner/ defendant filed petition stating that the plaintiff has got a palatial



building and the suit premises is not at all required for the office of plaintiff and that is why the petitioner filed petition for appointment of Advocate Commissioner but the learned Munsif has rejected the petition. The learned counsel for the petitioner further submits that there is necessity of appointing Advocate Commissioner to report about the genuineness of the personal necessity and extent of requirement of the plaintiff but I do not find any force in the submission. The plaintiff wants to run his office in the suit premises. The appointment of Advocate Commissioner is of no help and unnecessary for reporting about the requirement of the plaintiff.

Accordingly, this Civil Misc. petition is dismissed.

(Prabhat Kumar Jha, J)

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