

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25440 of 2013

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Kameshwar Kumar Saxena Son of Late Hazari Lal, Resident of Mohalla - Mangalpur - Kath - Ka - Pul, P.O. Jhauganj, P.S. Khajakalan, District – Patna.

.... Petitioners

Versus

1. Rameshwar Prasad Saxena Son of Late Hazari Lal, Resident of Mohalla - Digwa Dih Jelgora Guest House, P.O. Jelgora, P.S. Jora Pokhar Jharia, District – Dhanbad.
2. Smt. Anita Saxena Wife of Late Kaushal Kumar Saxena Resident of Mohalla - Mangalpur - Kath - Ka - Pul, P.S. Khajakalan, District – Patna.
3. Nikki Saxena Son of Late Kaushal Kumar Saxena Resident of Mohalla - Mangalpur - Kath - Ka - Pul, P.S. Khajakalan, District – Patna.
4. Mrs. Mona Saxena D/O Late Kaushal Kumar Saxena Resident of Mohalla - Mangalpur - Kath - Ka - Pul, P.S. Khajakalan, District – Patna.
5. Smt. Alakh Rani W/O Sri Hira Lal Prasad Shrivastav Resident of Village - Nicknanu Tola, P.O. Barahara, P.S. Barhara, District – Ara.
6. Smt. Asha Sinha W/O Sri Raghukul Maru Resident of Village - Pandrepatti Buxar, P.O. & P.S. Buxar, District – Buxar.
7. Pramila Saxena Wife of Akhileshwar Sharma, At Present Sutta Patti Santosh Mata Lane, Muzaffarpur, District – Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-01-2018 This writ application has been filed to set aside the order dated 07.08.2013 passed by Subordinate Judge-I, Patna City in Title Suit No.206 of 2009 whereby and whereunder the learned court below rejected the petition filed by petitioner for appointment of Advocate Commissioner for holding local inspection and making inventory of the articles and utensils as



well as to report about physical feature of the suit premises.

2. Heard learned counsel for the petitioner as well as the respondents.

3. From the perusal of the impugned order, I find that an Advocate Commissioner was appointed at the instance of the petitioner. The Advocate Commissioner submitted a report. The petitioner being aggrieved by the said report filed a petition praying therein to appoint another Advocate Commissioner for holding local inspection and to prepare inventory of the articles and utensils, which were allegedly taken away by the defendants.

4. It has been submitted that the defendants during the pendency of the suit forcibly took possession and removed movable articles from his room. The points to be reported by the Advocate Commissioner are vague as it has not been stated as to where those articles are kept by the petitioner. It is well settled that the Advocate Commissioner cannot be appointed to collect the evidence or report about possession of a particular party. The learned court below has rightly refused to appoint Advocate Commissioner for the second time on the petition which is vague and not specific to the points to be reported. The application of the petitioner is quite vague.



5. In view of above facts, I do not find any merit in this application. Accordingly, this writ application is dismissed.

(Sanjay Kumar, J)

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