

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1219 of 2018**

1. Ranchhor Prasad Chaudhary
2. Randhir Prasad Chaudhary
3. Ranjit Kumar Chaudhary
4. Dr. Ranvir Chaudhary,
All sons of Late Badri Narayan Prasad Chaudhary, All resident of
Shyamkunj, Govind Mitra Road, P.O.- Bankipur, P.S.- Pirbahore, District-
Patna, through their Power of Attorney Holder Mr. Ranchhor Prasad
Chaudhary.

... .. Petitioner/s

Versus

Surendra Mohan Gupta S/o Late Om Prakash Gupta, resident of Mohalla-
Abulas Lane, 'Gupta Niwas', P.S. Kadamkuan, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dronacharya, Sr. Advocate.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-09-2022 Heard Mr. Dronacharya, learned senior counsel for
the petitioners.

The petitioners have filed the present application
challenging the order dated 4.4.2018 passed in Eviction Suit No.
16 of 2009 by Munsif 1st, Patna, whereby the review petition for
review of the order dated 14.09.2017 passed by the said Court
has been rejected.

Learned senior counsel for the petitioner submits
that a petition was filed before the Trial Court praying therein
for appointment of Advocate Commissioner in order to ascertain
the fact that the petitioner has illegally been dispossessed from



the tenanted premises and the plaintiff-landlord has clandestinely took away the belongings of the petitioners from the tenanted premises. He next submits that a complaint case was filed before the Chief Judicial Magistrate, Patna, under Sections 406, 420, 380, 448, 504 and 506 of the Indian Penal Code in which cognizance has been taken and in the said Complaint Case, the petitioners have given the details of properties which have been removed from their tenanted premises.

I have heard learned counsel for the petitioners and gone through the impugned order.

It appears that the order dated 14.09.2017 has been passed by the Trial Court after arriving at the conclusion that the petitioners are trying to delay in disposal of the Eviction Suit which is pending since 2009. It has further been recorded in the order that despite lapse of so many years, the petitioners have not produced their evidence and the case is fixed for evidence of defendants.

The petitioners have filed the review petition for review of the order dated 14.09.2017, I am of the opinion that the finding of the learned Trial Court is correct that the petitioners are trying to delay in disposal of the suit, particularly,



when the petitioners have already given the details of properties removed from their premises by the plaintiff from the tenanted premises, for which, a Complaint Case giving the details of the properties have already been filed and cognizance has been taken. Accordingly, there is no need for appointment of Advocate Commissioner to ascertain the details of the properties removed/stolen from their tenanted premises.

I do not find any material irregularity in the impugned order.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

U			
---	--	--	--

