

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.63 of 2020

Kumar Uday Narayan son of late Dudheshwar Singh resident of Village and P.O.- Tarari, P.S.- Daudnagar and District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. Md. Rabanni Khan son of Late Rajjak Khan resident of Village and P.O.- Tarari and P.S.- Daudnagar, District- Aurangabad (Bihar).
2. Ashok Kumar son of Late Dudheshwar Singh resident of Village and P.O.- Tarari, P.S.- Daudnagar and District- Aurangabad.
3. Sanjay Kumar son of Late Dudheshwar Singh resident of Village and P.O.- Tarari, P.S.- Daudnagar and District- Aurangabad.
4. Gita Kumari daughter of Late Dudheshwar Singh resident of Village and P.O.- Tarari, P.S.- Daudnagar and District- Aurangabad.
5. Chinta Kumari daughter of Late Dudheshwar Singh resident of Village and P.O.- Tarari, P.S.- Daudnagar and District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner.

On the basis of agreement for sale dated 07.06.1995, a Title Suit No. 39/2015 has been filed by the petitioner/plaintiff seeking a decree of specific performance. In the said suit, an application has been filed on 28.11.2018 by the petitioner for appointment of Advocate Commissioner for local inspection of the suit land. The learned trial court has rejected the application for appointment of Advocate Commissioner filed by the petitioner/plaintiff on the ground that the suit is for specific performance for which the court does not need the physical



feature of the land.

Learned counsel for the petitioner submits that at the time of agreement for sale the possession was transferred and the petitioner/plaintiff has constructed the structure of brick. Leaned counsel further submits that the agreement for sale is not registered.

Having gone through the impugned order, it appears that the learned trial court has come to the conclusion that for a suit for specific performance, the physical feature of the land is not to be ascertained through the Advocate Commissioner and the plaintiff is trying to linger this case.

I do not find any material irregularity and jurisdictional error in exercise of its power by the learned court below. The same is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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