

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1124 of 2017

Priyavada Ojha, daughter of Kunti Devi, wife of Rampati Ojha, resident of Charkhamba Gali, Shivganj, Bhojpur, Arrah.

... .. Petitioner

Versus

Bhrigu Prasad, S/o Late Baiju Prasad, resident of Mohalla- Tari, P.S.- Arrah Nagar, District- Bhojpur.

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 29-08-2023 None appears for the respondent though Vakalatnama has been filed on his behalf and earlier the case has been heard.

2. This application has been filed challenging the order dated 12.11.2016 passed by learned Sub Judge, I, Ara, in Eviction Suit No.05 of 2011, by which the learned Sub Judge has allowed the petition dated 16.09.2016 filed by the defendant-respondent for appointment of Advocate Commissioner for his examination.

3. It has been submitted by learned counsel for the petitioner that the petitioner is the landlord in Eviction Suit No. 05 of 2011 and an application filed on behalf of the tenant for being examined on commission was allowed. He further submits that notice of date of commission was not given to the



petitioner by the Advocate Commissioner and the Advocate Commissioner has noted down the deposition of the tenant but he could not be cross-examined by the petitioner because he did not receive any notice regarding deposition of the tenant.

4. Learned counsel for the petitioner further submits that the petitioner should have been informed in advance about the date of examination of the tenant so that he could have cross-examined the tenant.

5. This application is disposed of with a direction to the Sub Judge, I, Ara to fix a date of cross-examination of tenant within a month from the date of receipt/production of a copy of this order. On that date, the petitioner will cross-examine the tenant on commission. The Sub Judge will not grant further adjournment to the other side for his cross-examination.

6. It appears that the Eviction Suit is of the year 2011 and because of the illegal act of the Advocate Commissioner, this case has remained pending for six years in the Court below. The Court below is directed to conclude the Eviction Suit within four months from the date of receipt/production of a copy of this order by holding day-to-day hearing.



7. Let a copy of this order be communicated to the District Judge, Ara, through FAX or e-mail forthwith for its compliance.

(Sandeep Kumar, J)

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