
(2001) 09 PAT CK 0020
In the Patna High Court
Case No : Civil Revision No. 133 of 2001

Sri. Prem Nath Singh @ Prem Nath Priyadarshi	APPELLANT
Vs	
Smt. Kavita Devi	RESPONDENT

Date of Decision : 26-09-2001

Acts Referred:

Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 — Section 15
Civil Procedure Code, 1908 (CPC) — Order 26 Rule 9, 151

Citation : (2002) 1 PLJR 112

Hon'ble Judges : P.N. Yadav, J

Bench : Single Bench

Advocate : Neeraj Kumar, for the Appellant; Manu Shankar Mishra, Rajani Kant Mishra and Rajeev Kr. Singh, for the Respondent

Final Decision : Dismissed

Judgement

P.N. Yadav, J.—Heard learned Counsel for the parties.

2. This revision application is directed against the order dated 18.12.2000 passed by Munsif III Court, Patna in Title (Eviction) Suit No. 47 of 1998 whereby and where under he rejected the Petitioner's prayer for appointment of an Advocate Commissioner for making local inspection of the disputed premises.

3. The Plaintiff-opposite party brought the suit referred to above, for ejectment of the Defendant-Petitioner from the tenanted premises. During the pendency of the suit, the Petitioner was directed to deposit the arrears of rent as well as current rent in accordance with the provisions of Section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act. The Petitioner preferred Civil Revision No. 1014 of 1999 against the order directing him to deposit the rent. The High Court set aside the order made by the Court below and directed the trial Court to make an injury as to the amount of last rent paid by the Petitioner to the Plaintiff-landlord. As there was dispute in regard to the rate of rent inasmuch as according to the Plaintiff-opposite party the rent was payable at the rate of Rs. 2500/- per month while according to the Petitioner-Defendant, the

rent was Rs. 600/- per month.

4. After receipt of the direction of this Court, the trial Court embarked upon making inquiry in the order to ascertain the rate of rent. Both the parties adduced evidence in support of their respective cases. Towards the fag end, the Defendant-Petitioner made an application under Order XXVI Rule 9 read with Section 151 of the CPC praying therein for appointment of Advocate Commissioner to hold local inspection and to submit his report. It does not stand to reason as to how an Advocate by making local inspection and submitting his report would assist the Court in arriving at a conclusion regarding quantum of rent payable per month by the Defendant-Petitioner for the tenanted premises. The matter in issue may be decided by the evidence brought on record by the parties to the suit.

5. The learned Court below rightly observed that the appointment of Pleader Commissioner would serve no purpose.

6. In view of what has been stated and observed above, it is to be held that the Petitioner's prayer for appointment of Advocate Commissioner was rightly rejected by the Court below. There is no ground or scope to disagree with the views of and findings given by the trial Court. This revision application is accordingly dismissed.