

In the court of Civil Judge (Sr. Division)-VI, Patna City

TPS 41/2008

Order

27-08-2024

Defendant No. 1 and Defendant 23, 24 & 26 are in attendance and they are represented through their learned counsel.

Today the record is put for an order on the petition dt. 28-06-2024 filed on behalf of defendant No.1 U/o 26 R 9 of the CPC. No rejoinder has been filed in reply to above mentioned petition.

Heard both the sides and perused the case record. From the perusal of case record and present petition, it appears that by way of his petition, defendant No.1 has prayed to appoint a new Advocate Commissioner after cancelling the order dt. 02/11/2018 through which Sri Janardan Prasad was appointed as Advocate commissioner. Defendant No. 1 contention in his petition is that during pendency of this case the entire property including share of defendant No. 1 of Schedule 11 property had been sold out by plaintiffs and defendant No. 2 to 7 through different registered sale deeds. Further he contended that on 02-11-2018 this court had appointed the advocate commissioner for inspection and report of the said disputed property but unfortunately report of advocate commissioner was not submitted. So, by appointing a Advocate Commissioner for local inspection of suit property, verify the facts whether they have sold it out or not.

Hence, after Considering the above facts and circumstances, this court in the interest of justice deems it proper to allow the petition dt. 28-06-2024 filed on behalf of defendant No.1 U/o 26 R 9 CPC at the cost of petitioner. The petitioner is directed to file

27-08-24

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TPS 41/08

the receipt after depositing the appointment cost of Advocate Commissioner Rs. 2000/- in favour of Nazarat, Patna City within period of 15 days. Thereafter office is directed to issue the letter to Hon'ble District & Sessions Judge, Patna for appointment of advocate commissioner. Put on 27-09-24 for further proceeding.


Civil Judge (Sr. Division)-VI
Patna City