

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22122 of 2014

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Rita Devi wife of Sri Anil Kumar Sinha Resident of Mohalla - Kishori Mohan Complex, Road no. 5, Police Station - Rampur, District - Gaya.

.... Petitioner/s

Versus

1. Kishori Prasad son of Sri Gopal Prasad Resident of Mohalla - Kishori Mohan Complex, Road no. 5, Police Station - Rampur, District - Gaya.
2. Arti Devi @ Geeta Devi wife of Saryu Ram Resident of Mohalla - Kishori Mohan Complex, Road no. 5, Police Station - Rampur, District - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 02-02-2015

Heard the learned counsel for the petitioner.

Calling in question the order dated 17.10.2014 rejecting the prayer of the plaintiff-petitioner for appointment of a Survey Knowing Pleader Commissioner to measure the constructed portion of house of the defendant no. 1, the present application under Article 227 of the Constitution of India has been filed.

From the impugned order, it appears that the suit has been posted for arguments on 17.09.2014 and prior to that the evidence of the parties was closed on 05.09.2014. It also transpires that though the plaintiff has filed the petition on 30.01.2014 but the learned court

below has observed in the order that the plaintiff had not pressed the said application earlier before the closure of the evidence of the parties. It has also been found that earlier one Survey Knowing Pleader Commissioner was already appointed but the plaintiff failed the prayer at that occasion itself for direction to measure the land of the defendant no. 1 also. This Court, thus does not find any illegality or irregularity in the impugned order.

The writ application is, accordingly, dismissed with liberty to the petitioner to raise his grievances, if available, in accordance with law.

(V. Nath, J)

Devendra/-

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