

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1333 of 2014

=====

Baiju Rai

.... Petitioner/s

Versus

Ramjatan Rai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Prasad Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-12-2015

Heard learned counsel Mr.Shiva Shankar Prasad Singh

for the petitioner.

By the impugned order dated 18.05.2013 passed by Additional Munsif, II, Danapur in Title Suit No.14 of 2006 the court below has rejected the application filed by the petitioner for appointment of Pleader Commissioner.

From perusal of the impugned order, it appears that the court below found that in fact the argument of the defendant has already been concluded and the date has been fixed for argument of the plaintiff and at this stage application has been filed by the plaintiff for appointment of Pleader Commissioner. The court below also found that the controversy between the parties is with regard to correctness of the sale deed dated 29.06.2006 and 15.01.2005. This is not a case of encroachment, therefore, the learned court below clearly held that in view of the above facts

and circumstances of the case it is not necessary to appoint Pleader Commissioner as prayed for by the plaintiff.

In view of the clear finding of the court below on the basis of record the impugned order cannot be said to be without jurisdiction of the Court or because of the impugned order the plaintiff is being prejudiced or it occasioned failure of justice, therefore, the same cannot be interfered with in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--