

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20862 of 2014**

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1. Tara Devi Wife of Late Kailash Pati Sinha  
2. Sanjay Kumar son of Late Kailash Pati Sinha Both Resident of Chaman Singh Bagh, Pirparpanti Road, Buxar, Police Station and District- Buxar

.... .... **Petitioners.**

Versus

1. Dr. Rajendra Prasad son of Late Jamuna Pd. Resident of Mohalla-Piparpanti Road, Buxar, District- Buxar. Presently Dr. Rajendra Pd. Sakrambari Enclave, Plot No. 103, Kanke Road, Opposite Holiday Home, Ranchi- 8, Jharkhand  
**-Plaintiff-Respondent.**

2. Dr. Surendra Pd. son of Late Jamuna Pd. Resident of Piparpanti Road, Buxar, District- Buxar. Presently Dr. Rajendra Pd. Vikas Machinery Tursand Road, Sitamarhi, District- Sitamarhi

3. Dr. Navin Jaiswal son of Late Kailash Pati Sinha

4. Sushil Jaiswal son of Late Kailash Pati Sinha Both resident of Piparpanti Road, Buxar, P.S. and District- Buxar  
**Defendants-Respondents.**

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**Appearance :**

For the Petitioner/s : Mr. Atif Inam

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**

**ORAL ORDER**

4 16-02-2015

Heard Mr Raghib Ahsan, the learned senior

counsel appearing on behalf of the petitioners and the learned counsel for the respondent no.1 as well as respondent no.2.

The present application under Article 227 of the Constitution of India has been filed against the order dated 22.11.2014 by which the learned court below has appointed a pleader commissioner in a final decree proceeding.

The learned senior counsel has contended that the two petitions have been filed by the petitioners on 19.07.2014 and 20.11.2014 raising objections against the preparation of the final

decree in view of an amicable partition between the parties with regard to their family properties after the passing of the preliminary decree and the learned court below without disposing of those two petitions has passed the order for appointment of pleader commissioner.

The learned counsel for the respondents, however, have submitted that they deny the fact of amicable partition as asserted on behalf of the petitioners. However, the learned counsel for the parties have accepted that the two petitions filed by the petitioners have not been disposed of.

After careful consideration of the matter and the submissions on behalf of the parties, this Court is not inclined to interfere in the impugned order dated 22.11.2014. However the learned court below is directed to consider and decide the two petitions i.e. 19.07.2014 and 20.11.2014 which are said to be still pending before passing any further order on the report of the pleader commissioner, if submitted.

The writ application is, accordingly, disposed of with aforesaid direction.

**(V. Nath, J)**

Nitesh/-

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