

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6133 of 2015

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Satish Pd. Singh @ Baban Babu

.... Petitioner/s

Versus

Smt. Sudha Sinha & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-11-2015 1. Heard the learned counsel for the petitioner.

2. This application under Article 227 of the Constitution of India has been filed by the plaintiff petitioner against the order dated 24.03.2015 passed by Sub Judge VIIth Muzaffarpur in Title Suit No.551 of 2013 whereby the Court below rejected the application filed by the plaintiff petitioner under Order 26 Rule 9 CPC for appointment of pleader commissioner to examine the physical feature of the suit property.

3. Perused the impugned order. It appears that the suit was filed by the plaintiff petitioner for declaration of title with respect to Schedule I and for declaration of title and recovery of possession with respect to Schedule II property. Injunction application was filed and, thereafter, this present application under Order 26 Rule 9 has been filed which has been rejected by the

Court below.

4. It further appears that the Court below found that only the parties have filed their pleadings and evidence is yet to be started and further the injunction application is pending, therefore, at this stage for collection of evidence, the pleader commissioner cannot be appointed.

5. In view of the observation of the Court below, I do not find any illegality in the order nor it causes any prejudice nor occasion failure of justice, therefore, the impugned order cannot be interfered with in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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