

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.958 of 2016**

Uma Shankar Choubey

.... Appellant/s

Versus

Shatrunjay Choubey & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwari

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 27-10-2016

Heard learned counsel, Dr. Kishlay, appearing fro the
petitioner.

2. Perused the impugned order dated 28.07.2016 passed
by the Sub-Judge-I, Bhabhua in T.S. No. 220 of 2008, whereby
the learned court below rejected the objection petition filed by the
petitioner to the Pleader Commissioner's report and confirmed the
Pleader Commissioner's report and after conforming the Pleader
Commissioner's report, the plaintiff was directed to file stamp for
preparation of final decree.

3. In view of the nature of the order passed by the court
below, I find that the partition suit has been finally decided and the
Pleader Commissioner's report has already been confirmed. In
such circumstances, it is a final judgment and decree and now only
it is to be engrossed in the stamp paper. In this view of the matter,
when the petitioner has got the remedy under the Code of Civil

Procedure, this application under Article 227 of the Constitution of India is not maintainable. Accordingly, this civil miscellaneous application is dismissed.

Brajesh/-

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(Mungeshwar Sahoo, J)