

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5272 of 2015

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Banke Bahadur Singh

.... Petitioner/s

Versus

Srimati Urmila Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Prasad Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-03-2016

Heard the learned senior counsel, Mr. Janardan Prasad Singh for the petitioner and the learned counsel, Mr. Sanjay Kumar Singh for the respondent.

By the order dated 12.02.2015, the learned Munsif I, Chapra, Saran rejected the application filed by the defendant-petitioner for appointment of Survey Knowing Pleader Commissioner under Order 26 Rule 9 C.P.C.

Perused the order passed by the Court below. The Court below considered the submissions which are being advanced before this Court by the petitioner and thereafter recorded finding that earlier Pleader Commissioner was appointed and the defendant is praying for appointment of Survey Knowing Pleader Commissioner by stating that the earlier report has been submitted by hiding some material fact and that one point referred by the defendant-petitioner is to know about whose house is situated over

11 kathas land on Plot No.5988 which shows that the defendant wants to collect evidence for him.

It appears that suit was filed by the plaintiff for injunction only claiming possession over the disputed land. The defendant is also claiming possession over the same land. The injunction application was filed and on the application of the plaintiff under Order 39 Rule 7 C.P.C., Pleader Commissioner was appointed and he has already submitted report. Objection to the report has been filed by the defendant-petitioner. It is pending. Further, from the above facts, it appears that the suit is at the very initial stage.

In such view of the matter, I find no reason to interfere with the impugned order in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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