

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.987 of 2016**

Abdul Aziz

.... Appellant/s

Versus

Md. Imteyaz & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rama Nand Poddar

For the Respondent/s : Mr.

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

2 28-10-2016

Heard the learned senior counsel, Mr. Narayan Singh for the petitioner.

Perused the impugned order dated 05.03.2016 passed by the learned Civil Judge(Jr. Div.), Dehri in Title Suit No.69 of 2009.

The learned senior counsel for the petitioner has got no objection regarding the appointment of Pleader Commissioner on the prayer of the plaintiff. His only grievance is that the Pleader Commissioner be also directed to give report regarding encroachment.

From perusal of the impugned order, it appears that this point was raised before the Court below and the Court below rejected the prayer of the petitioner clearly recording a finding that on 04.06.2015, allowing the application of the plaintiff, the Survey Knowing Pleader Commissioner was appointed for measurement

on the question of encroachment and, therefore, no further order is necessary.

In view of the above facts and finding of the Court below, in my opinion, the order does not suffer from jurisdictional error nor it occasion failure of justice.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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