

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5419 of 2015

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Sheo Shankar Rai

.... Petitioner/s

Versus

Hari Krishna Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Rai

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 25-02-2016 1. Heard the learned counsel, Mr. Nagendra Rai, for the
petitioner.

2. By the impugned order dated 10.09.2014, the learned
Munsif IInd, Chapra has recalled his earlier order appointing
survey knowing pleader commissioner in title suit No.47 of 2007.

3. It appears that prior to the order, one survey knowing
pleader commissioner had already submitted a report. Thereafter,
the objection was filed by the petitioner to the said report which
was rejected and the survey knowing pleader commissioner report
was confirmed. Then, against that order, the petitioner filed writ
application before the High Court. The High Court granted liberty
to raise this question. Thereafter, on the same ground second
application was filed, thereafter, application was filed by the
petitioner for appointment of another survey knowing pleader

commissioner which was allowed by the Court below then the plaintiff filed the application to recall the same. The Court below considered the various submissions and the allegations made by the plaintiff and thereafter with reasoned order has recalled the order appointing survey knowing pleader commissioner.

4. In such view of the matter, the Court below has exercised discretionary jurisdiction and recording finding that in fact earlier pleader commissioner report has already been confirmed and the liberty has been granted to the petitioner to raise the questions about the reliability of the report of the pleader Commissioner. In such view of the matter, I do not find any reason to interfere with the impugned order in supervisory jurisdiction.

5. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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