

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3220 of 2016

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Md. Mumtaj

.... Petitioner/s

Versus

Smt. Renu Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 09-03-2016

Heard the learned counsel, Mr. Sunil Kumar Singh for
the petitioner.

The petitioner filed the suit for declaration that the plaintiff has got 32 ½ decimals land out of the suit land and the defendants have got only 17 ½ decimals land whereas the defendants filed written statement claiming 25 ½ decimals land on the basis of purchase. After evidence of both the parties, application under Order 26 Rule 9 C.P.C. was filed by the petitioner for investigation of the Pleader Commissioner to see whether there is kabrgah on the suit land or not. By the impugned order, the Court below has rejected the same.

In view of the rival claim of the parties that defendant is claiming title on the basis of the sale deed and the plaintiff is also claiming 32 ½ decimals land on the basis of sale deed and ancestral property only, there is no question of any appointment of

any Pleader Commissioner arises. Therefore, the learned court below has rightly dismissed the application.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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