

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1152 of 2016**

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Md. Reyazul Hoda

.... Appellant/s

Versus

Md. Fazal Ghani & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anwar Karim

For the Respondent/s : Mr.

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

2 23-11-2016

Heard learned counsel for the petitioner.

2. Perused the impugned order dated 12.08.2016 passed by the learned Munsif, Jamui in Eviction Suit No. 03 of 2009, whereby the learned court below rejected the application filed by the defendant-petitioner for appointment of Pleader Commissioner for opening the lock put by the plaintiff in the shop premises of the petitioner.

3. From perusal of the impugned order, it appears that the court below found that the plaintiff is denying that he has put any lock in the shop premises. The court below also found that the petitioner nowhere complained regarding lock put by the plaintiff in the shop premises. No explanation was given before the court below as to why he did not complain to the police. The court below also found that nothing is on record to substantiate the contention of the defendant that the plaintiff has put lock over the

lock in the shop premises.

4. In view of the above categorical finding of the court below, the impugned order cannot be interfered with in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)