

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8130 of 2015

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Shyam Narain Singh

.... Petitioner/s

Versus

Navin Kumar Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-04-2016 Heard the learned counsel, Mr. Dronacharya, for the
petitioner.

By the impugned order dated 13.06.2013, the learned Sub Judge Ist, Begusarai rejected the application filed by the defendant petitioner under Order 26 Rule 9 CPC praying for appointment of pleader commissioner in Title Suit No.171 of 2007.

It appears that the plaintiff respondent field the suit for declaration of title and recovery of possession with respect to the suit property. The evidences have already been closed. The defendant filed application for appointment of pleader commissioner for giving report with respect to the physical features of the suit property and also the construction on the suit property. The Court below in the impugned order held that it is for the plaintiff to prove his title and if he will be able to prove his

title then only the possession will be delivered to the plaintiff regarding the suit property and, therefore, there is no necessity to appoint pleader commissioner.

In view of this reasoning assigned by the Court below, I find no case for interference in exercise of supervisory jurisdiction is made out.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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