

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15671 of 2014

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1. Sabiha Parween wife of Khalil Raza Khan.
 2. Farha Praween wife Sajid Raza Khan.
 3. Sajid Raza Khan son of Ahmad Raza Khan.
 4. Nuzhat Ara, wife of Sahid Raza Khan.
 5. Sahid Raza Khan
 6. Khalid Raza Khan
 7. Rashid Raza Khan
 8. Tarique Raza Khan, all sons of Ahmad Raza Khan all resident of Dariyapur, P.S. Pirbahore, Town and District-Patna.

.... Petitioner/s

Versus

1. Jayant Kumar son of Sri Janki Singh @ Ashok Kumar Sinha, resident of village-Jalalpur, P.S. Danapur, District-Patna, presently residing at Village-Khajpura, Near Shiv Temple, P.O. B.V. College-P.S. Hawai Adda, District-Patna.
2. Maa Shambhawi Egicon Pvt. Ltd, a company registered under Companies Act, having its Registered Office at Arya Kumar Road, near Basti School, Patna-800004, represented through Managing Director Rajesh Kumar, son of Sri Ashok Kumar Verma, Arya Kumar Road, near Basti School, Patna-800004.
3. Rajesh Kumar Sinha.
4. Mukesh Kumar both sons of Sri Janki Singh, resident of village Jalalpur, P.S. Danapur, presently residing at Village-Khajpura, Near Shiv Temple, P.O. B.V. College-P.S. Hawai Adda, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subroteswar De, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-10-2016

Heard learned counsel for the petitioners.

By the impugned order, the learned court below has rejected the review petition filed by the petitioners for review of the order dated 12.03.2014 by which the order was passed directing appointment of the Pleader Commissioner for making a report on the point fixed by the court.

After considering the submissions and from perusal of the materials on record including the impugned order, it is evident that the suit has been filed by the plaintiff-respondent for removal of encroachment. During the pendency of the suit, the prayer was made on behalf of the plaintiff for appointment of the Pleader Commissioner for taking measurement and making local inspection. The said prayer was allowed after hearing the parties. Thereafter, the petition for review was filed by the defendant-petitioners which has been turned down by the impugned order holding that there was no error apparent on the face of record justifying the prayer for review.

After considering the reasons assigned by the learned court below, this Court does not find that any illegality has been committed by the learned court below in refusing the prayer made by the petitioners.

The application is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

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