

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9667 of 2015

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Dilip Kumar Kayal

.... Petitioner/s

Versus

Dharamdeo Choudhary & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-04-2016

Heard the learned counsel, Mr. Pramod Kumar Pandey
for the petitioner.

It appears that the plaintiff-respondent filed the suit for declaration of title and confirmation of possession/recovery of possession of the suit property. The defendants filed contesting written statement alleging that in fact, they are the owner of the property and the plaintiffs were inducted by the defendant as tenant. There was dispute between the parties regarding the existence of a shop premises. According to the defendant, they have demolished the same and are now constructing a new building thereof. Therefore, they filed an application for appointment of Pleader Commissioner.

By the impugned order, the Court below has rejected the said application recording a finding that the suit has been filed for declaration of title and recovery of possession.

It is admitted case that the suit has been filed for declaration of title and for recovery of possession of the property, therefore, it is for the plaintiff to prove his title and the question to be decided that the plaintiff has any title over the suit property and whether he is entitled for recovery of possession or not and for that purpose, the appointment of the Pleader Commissioner is not at all necessary. Therefore, the Court below has rightly rejected the application. I find no reason to interfere with the same in exercise of supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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