

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12545 of 2015

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Ramadhar Singh

.... Petitioner/s

Versus

Kamlesh Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Ajit Pratap Singh- Sc15

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 04-05-2016 Heard the learned counsel, Mr. Kumar Alok, for the petitioner and the learned counsel, Mr. Amresh Kumar, A.C. to S.C.15 for the State.

By the order dated 01.05.2015, the learned Munsif, Arwal rejected the application filed by the plaintiff petitioner for appointment of pleader commissioner under Order 26 Rule 10 of the Code of Civil Procedure in Title suit No.42 of 2012 / 22 of 2014.

It appears that the plaintiff has filed the suit for declaration of title only against the defendant. Therefore, the question to be decided in the suit is whether the plaintiff has got title over the suit property or not. For deciding this question, the appointment of pleader commissioner is not at all necessary. Since the plaintiff is claiming title, the burden is on the plaintiff to prove his title on the

basis of evidence.

Admittedly, the issues have not yet been framed in the case. If any pleader commissioner is appointed, at this stage, it will amount to collection of evidence for the plaintiff.

Therefore, the learned Court below has rightly rejected the application by the impugned order. As such, I find no reason to interfere with the same.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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