

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20824 of 2012

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MEENA KUMARI SHRIVASTAVA W/O LATE LAXMAN PRASAD
SHRIVASTAVA RESIDENT OF MOHALLA BULAI CAMPUS
RASOOLPUR ZILANI CHHATA CHOWK, P.S. KAZI
MOHAMMADPUR, DISTRICT MUZAFFARPUR.

.... PETITIONER/S

VERSUS

1. NEHA VERMA W/O NAVEEN KUMAR VERMA RESIDENT OF
BHANDARI P.S. BELSAND, DISTRICT SITAMARHI AT PRESENT
RESIDING IN MOHALLA BALAI CAMPUS RASOOLPUR ZILANI
CHHATO CHOWK, P.S. KAZIMOHAMMADPUR, P.O. HEAD
OFFICE, MUZAFFARPUR, DISTRICT MUZAFFARPUR.
2. GEETA SINHA W/O LATE SHATRUGHAN PRASAD
SHRIVASTAVA RESIDENT OF MOHALLA CLUB ROAD,
HARISABHA CHOWK, P.S. MITHANPURA, P.O. RAMNA,
DISTRICT MUZAFFARPUR.
3. BIBHA KUMARI W/O SRI BASANT SHARMA RESIDENT OF
BALAI CAMPUS RASOOLPUR ZILANI CHHETA CHOWK, P.O.
HEAD OFFICE, MUZAFFARPUR, P.S. KAZI MOHAMMADPUR,
DISTRICT MUZAFFARPUR.
4. MOSTT. BINDU DEVI W/O LATE KESHO PRASAD RESIDENT OF
MOHALLA RASOOLPUR ZILANI DAMUCHAK, P.S. KAZI
MOHAMMADPUR, P.O. HEAD OFFICE, MUZAFFARPUR,
DISTRICT MUZAFFARPUR.

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioner. Gone
through the order impugned.

Petitioner is aggrieved by the order dated 25.05.2012
passed in Title Suit No.562 of 2005 whereby and whereunder the
learned lower court had rejected the prayer of the petitioner with
regard to appointment of Pleader Commissioner. Annexure-1 is
the petition filed on behalf of petitioner wherein prayer has been
made to appoint Survey Knowing Pleader Commissioner to

measure the disputed land. However, from the order impugned, it is evident that at the request of petitioner itself Pleader Commissioner was appointed at an earlier stage who had submitted his report and the same is available on the record since before. No objection has been filed on behalf of petitioner relating to the aforesaid report to the extent either the aforesaid report happens to be collusive one or inappropriate. Once the Survey Knowing Pleader Commissioner had already been appointed at the request of the petitioner himself, then in that event, there was no justification for reappointment that too without any cogent reason and as such, the order impugned did not require interference.

Petition is rejected.

(Aditya Kumar Trivedi, J.)

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