

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12189 of 2013

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1. Ramashray Rai Son Of Late Rajendra Rai Resident Of Village Raja Ram Narhanwa, P.O. Narhanwa Sukla Pargana Chhuri, P.S. Gopalpur, District Gopalganj
 2. Akhileshwar Rai Son Of Late Rajendra Rai Resident Of Village Raja Ram Narhanwa, P.O. Narhanwa Sukla Pargana Chhuri, P.S. Gopalpur, District Gopalganj
 3. Chandeshwar Rai Son Of Late Rajendra Rai Resident Of Village Raja Ram Narhanwa, P.O. Narhanwa Sukla Pargana Chhuri, P.S. Gopalpur, District Gopalganj
 4. Sineshwar Rai Son Of Late Rajendra Rai Resident Of Village Raja Ram Narhanwa, P.O. Narhanwa Sukla Pargana Chhuri, P.S. Gopalpur, District Gopalganj
 5. Harvesh Rai @ Harekesh Rai Son Of Late Rajendra Rai Resident Of Village Raja Ram Narhanwa, P.O. Narhanwa Sukla Pargana Chhuri, P.S. Gopalpur, District Gopalganj

.... Petitioner/s

Versus

1. Manager Sharma Son Of Ramautar Sharma Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj
2. Brijendra Prasad Son Of Munni Lal Sharma Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj
3. Bishwanath Sharma Son Of Dhanushdhari Sharma Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj
4. Sanjay Nath Sharma Son Of Dhanushdhari Sharma Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj
5. Rameshwar Rai Son Of Brijendra Rai Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj
6. Ram Naresh Rai Son Of Brijendra Rai Resident Of Village Raja Ram Narhanwa, Post Narhanwa Sukla Thana Gopalpur, District Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioners and
learned counsel for the respondents.

This application under Article 227 of the Constitution is directed against the order dated 12.04.2013 passed in Title suit No. 42 of 2010, whereby the learned sub-Judge-VI, Gopalganj allowed the application of the defendants/respondents filed under Order 26 Rule 10 of the C.P.C. for inspection of the land in dispute by Survey Knowing Commissioner.

Learned counsel appearing on behalf of the petitioners submits that in fact, on the basis of the petition dated 10.01.2011 of plaintiff/petitioners, Survey Knowing Commissioner has been appointed under Order 26 Rule 10 of the C.P.C. As such, there was no need to appoint further Survey Knowing Commissioner.

On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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