

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18163 of 2015

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Basant Kumar Rai @ Chunchun Rai

.... Petitioner/s

Versus

Vijay Kumar Rai & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-06-2016

Heard learned counsel for the petitioner.

2. Perused the order impugned dated 21.08.2015 passed by the Sub-Judge-IV, Begusarai in T.S. No. 55 of 2001, whereby the court below rejected the application filed by the defendant under Order 26 Rule 9 C.P.C. for appointment of Pleader Commissioner.

3. From perusal of the impugned order, it appears that the court below considered the case of the plaintiff and the case of the defendant as pleaded and thereafter evidences of the witnesses also and then held that in the facts and circumstances of the case, the appointment of Pleader Commissioner is not at all necessary.

4. Order 26 Rule 9 C.P.C. speaks about the jurisdiction of the Court and, therefore, in my opinion, the learned court below has rightly passed the impugned order. As such, the same needs no interference in exercise of supervisory jurisdiction under Article

227 of the Constitution of India. Thus this writ application is dismissed.



(Mungeshwar Sahoo, J)