

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19289 of 2015

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Chandrawati Devi

.... Petitioner/s

Versus

Parwati Devi & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-06-2016

Heard learned counsel, Mr. Sanjay Kumar Singh,
appearing for the petitioner.

2. It appears that the plaintiff-petitioner filed suit simply praying for injunction restraining the defendants from interfering with the possession and title of the plaintiff. Ad -interim injunction application was filed praying for some relief but the trial court rejected the application. Miscellaneous Appeal No. 17 of 2015 was filed by the plaintiff. The lower appellate court dismissed the appeal and confirmed the order of rejection passed by the trial court.

3. From perusal of the order dated 30.07.2015 passed by the 2nd Additional District Judge, Saran at Chapra in Miscellaneous Case No. 17 of 2015. It appears that the lower appellate court clearly recorded finding that a Pleader Commissioner was appointed, who submitted his report. The

plaintiff has not filed any objection to the report. The Pleader Commissioner has given report that there are Nad, Planani, Khunta and bricks on the disputed land. The plaintiff never claimed that Nad, Planani and Khunta belonged to her rather on the other hand the defendants claimed that Nad, Palani and Khunta and 20000 bricks belonged to them, which is supported by the Pleader Commissioner's report and, therefore, dismissed the injunction application and confirmed the trial court order.

4. In such circumstances, since the finding of fact based on report of Pleader Commissioner, this Court cannot re-appreciate the same and substitute its own finding in exercise of supervisory jurisdiction only for the purpose of supervising the concurrent finding of both the courts below. Accordingly, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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