

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20560 of 2012

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1. RAMANAND PANDEY, S/O LATE BASUDEO PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MORE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHAS.

2. JITENDRA PANDEY, S/O LATE RAJDEO PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MORE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHAS.

.... PETITIONER/S

VERSUS

1. BISHWANATH PANDEY, S/O LATE RAGHUNATH PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MROE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

2. NARENDRA PANDEY, S/O VISHWANATH PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MROE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

3. SURENDRA PANDEY, S/O VISHWANATH PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MROE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

4. VIJAY PANDEY, S/O VISHWANATH PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MROE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

5. JITENDRA PANDEY, S/O LATE BALUKESHWAR PANDEY RESIDENT OF VILLAGE- MAUZA CHOTKA MROE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

6. THE STATE OF BIHAR THROUGH COLLECTOR, ROHTAS, P.S- SASARAM, DISTRICT- ROHTAS.

7. GANSADIH, GRAM PANCHAYAT GANSADIH THROUGH MUKHIYA RESIDENCE OF VILLAGE BADKA MORE, P.O- JAIPUR, P.S- SASARAM, DISTRICT- ROHTAS.

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. R. S. Pradhan- Sr. Advocate
Mr. Jainendra Kumar-Advocate

For the State : Mr. Neeraj Kumar-AC to SC-22

For the Respondent no.5 : Mr. Amrendra Nr. Rai-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 05-01-2016 Heard learned counsel for the petitioners and learned AC to SC-22 as well as learned counsel representing the respondent no.5, Mr. Jitendra Pandey.

Because of the fact that petition dated 04.08.2007 has been filed by respondent-defendant nos.1 to 5 conjointly on account thereof,

having presence of respondent no.5 will serve the purpose and that being so, respondent nos.1 to 4 have not been noticed.

From perusal of the order, it is apparent that it deals with so many petitions filed on behalf of respondent-defendants as well as petitioner-plaintiffs. While dealing with a petition dated 04.08.2007 filed on behalf of respondent-defendant nos.1 to 5 wherein a prayer has been made for appointment of Pleader Commissioner, it is evident that learned lower court while allowing the prayer had deflected the settled norms that it is the plaintiffs, who in case fails, will suffer. That means to say, it is the plaintiffs, who either win or lose the case and on account thereof, the reason so assigned by the learned lower court while allowing the prayer made on behalf of respondent-defendant nos.1 to 5 vide petition dated 04.08.2007 is found misconceived and that part of the order is set aside.

With regard to remaining part of the order relating to the petition dated 10.03.2008 (filed by the petitioner-plaintiffs) petition dated 26.05.2008 filed by the petitioner-plaintiffs, it is apparent that learned lower court had rightly concluded, because of the fact that no forgery has been committed with the record within the dominance of the Court.

Accordingly, instant petition is partly allowed in terms as referred above.

(Aditya Kumar Trivedi, J)

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