

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4541 of 2013

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1. Jawahar Rai Son of Sri Jagarnath Rai.
 2. Rajendra Rai Son of Late Jhagaru Rai both Resident of Village - Mirpur Patarh, Post - Dumri, P.S. Sarai, District – Vaishali.

.... Petitioner/s

Versus

1. Smt. Sunaina Devi Wife Of Sri Bhagdeo Rai Resident Of Village - Mirpur Patarh, Post - Dumri, P.S. Sarai, District - Vaishali
2. State Of Bihar, Through Collector, Vaishali
3. Collector Vaishali At And P.O. Hajipur
4. Smt. Sheela Devi Wife Of Baij Nath Rai Resident Of Village - Mirpur Patarh, Post - Dumri, P.S. Sarai, District - Vaishali
5. Nirbhay Sharma.
6. Anand Sharma both Son of Late Sachidanand Sharma.
7. Sabita Devi Daughter of Late Rajkishore Sharma.
8. Mira Devi Wife of Late Ajay Sharma.
9. Jay Kumar Shamra.
10. Nitu Kumari both minor son and Daughter Of Late Abhay Sharma Under The Guardianship Of Her Mother Meera Devi serial no. 5 to 10 are Resident Of Village - Bishunpur Alias Manse Dumri, P.S. Sarai, P.O. Dumri, District – Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 09-02-2016

Heard the learned counsel for the parties.

Assailing the impugned order by which the learned court below has refused the prayer of the defendant 2nd set and 3rd set for appointment of a Pleader Commissioner in the suit, the

present application under Article 227 of the Constitution of India has been filed.

From perusal of the impugned order it transpires that the petitioners, who are defendant 2nd set and 3rd set in the suit, filed the petition for appointment of a Pleader Commissioner at the stage in the suit when the evidence of the plaintiff was closed long back and the evidence of the defendants was on the verge of conclusion. The learned court below has also observed that none of the parties have stated anything about the possession of the plaintiff and has further observed that at this stage the appointment of a Pleader Commissioner on the prayer of the defendant 2nd set and 3rd set would apparently be only for the purpose of collecting evidence. It has also been found that the suit has been pending for 10 years and no such prayer was earlier made.

After considering the submissions on behalf of the parties, this Court find that the reasons assigned by the learned court below in refusing the prayer of the petitioners for appointment of a Pleader Commissioner are acceptable and no interference in the same is called for.

The present application is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

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