

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.663 of 2016

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Mohammad Islam @ Islam Farouquee

.... Appellant/s

Versus

Abdul Mannan Ansari & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 21-09-2016

Heard learned Senior Counsel Mr. Alok Kumar Sinha

for the petitioner.

Perused the impugned order dated 26.05.2016 passed by Munsif, Civil Court, Aurangabad in Title Suit No.68 of 2015 whereby the court below allowed the application filed by the defendants under Order 26 Rule 10A of the Code of Civil Procedure for measurement of the suit property.

From perusal of the impugned order, it appears that the court below clearly recorded that for deciding the suit considering the dispute between the parties measurement is necessary and, therefore, has allowed the application for appointment of Pleader Commissioner.

Order 26 Rule 10A of the Code of Civil Procedure speaks about the jurisdiction of the court and in exercise of this jurisdiction the court below has allowed the application recording

clear finding that measurement is necessary. Now, therefore, it cannot be said that the order passed by the court below is without jurisdiction or that it occasioned failure of justice or that it prejudiced the petitioner as only Pleader Commissioner has been appointed for measurement of the suit property.

In my opinion, therefore, this is not a case for interference in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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