

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1228 of 2016

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1. Lalu Chauhan Son of Late Ram Vilash Chauhan
2. Gat Chauhan @ Gara Chauhan Son of Late Ram Vilash Chauhan Both are residents of village - Ram Nagar Kakaria Dih, P.O. Harnatar, P.S. Darauli, District Siwan

.... Appellant/s

Versus

1. Assesar Chauhan Son of Late Gopi Nonia
2. Lalita Devi D/o Late Gopi Nonia, W/o Mundrika Chauhan Both are residents of village - Karsar, P.S. Raghunathpur, District - Siwan
3. Bahadur Chauhan Son of Late Shivpujan Chauhan
4. Samiti Devi D/o Late Shivpujan Chauhan
5. Krishna Chauhan Son of Late Dhurul Chauhan All are residents of village - Ram Nagar Kakariadih, P.O. Harnatal, P.S. Darauli, District Siwan at Present resident of village - Lamdiha, P.O. Lamdiha, District Naw Gawan (Assam)
6. Gulab Chauhan Son of Late Ramphal Chauhan
7. Prabhu Chauhan Son of Gulab Chauhan
8. Nathuni Chauhan Son of Late Marchandra Chauhan All are residents of village - Ram Nagar Kakariadih, P.O. Harnatal, P.S. Darauli, District Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 08-12-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 02.08.2016, passed by the learned Sub Judge-X, Siwan in Title Suit No. 223 of 2008 whereby the learned court below has only allowed the application filed by the plaintiff-respondent for appointment of Pleader Commissioner.

Admittedly the suit has been filed by the plaintiff-



respondent for removal of encroachment. Moreover by the impugned order the court below has only appointed the Pleader Commissioner. In such circumstances, there is no question of prejudice to the petitioner arises nor it can be said that the order suffers from jurisdictional error nor can be said that the order has been passed in the manner not permitted by law and that it occasioned failure of justice.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Misc. Application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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