

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1130 of 2016**

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Smt. Mandira Devi

.... Appellant/s

Versus

Dip Narain Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 22-11-2016 Heard learned counsel, Mr. Mahesh Prasad No.2,
appearing for the petitioner.

2. Perused the impugned order dated 06.04.2016 passed by
the Munsif-2nd Bhagalpur in T.S. No. 80 of 1997, whereby the learned
court below rejected the application filed by the defendant-petitioner
under Order 26 Rule 9 C.P.C. for appointment of Pleader
Commissioner for local inspection.

3. It appears that the plaintiff-respondent filed the suit for
declaration of tile with respect to the suit property and non title of the
defendant and for declaration of the entry in the Survey Record of right
is illegal and, therefore, in my opinion, the relief claimed by the
plaintiff for local investigation or status of the suit property is not at all
required to be adjudged. Therefore, the court below rightly rejected the
same and hence, the order cannot be interfered with in exercise of
supervisory jurisdiction. Thus, this civil miscellaneous application is
dismissed.

Brajesh/-

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(Mungeshwar Sahoo, J.)

