

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1478 of 2016**

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Ram Nandan Singh

.... Petitioner/s

Versus

Smt. Nirmala Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Indu Bhushan

For the Respondent/s : Mr.

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

2 21-12-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 18.07.2016 passed by the learned A.D.J. VII, Danapur in Title Appeal No.1219 of 2014.

It appears that by the impugned order, the Court below rejected the application filed by the petitioner for appointment of a fresh Pleader Commissioner under Order 26 Rule 10A C.P.C. read with Order 41 Rule 27 of the C.P.C. The lower appellate court found that there are two Advocate Commissioner's reports and the evidence of the Survey Knowing Pleader Commissioner is also available on record.

The grievance of the petitioner is that those reports and evidence of the Pleader Commissioner has not been considered by the trial court in the judgment.

In my opinion, because the trial court has not considered two reports of the Survey Knowing Pleader Commissioner and/or



the evidence of the Pleader Commissioner, is not a ground for allowing the appellant to adduce additional evidence to the appellant. When there is report of the Survey Knowing Pleader Commissioner, there is no question of further appointment of Pleader Commissioner by the appellate court arises in exercise of jurisdiction under Order 41 Rule 27 C.P.C.

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

(Mungeshwar Sahoo, J)

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