

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6308 of 2016

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Ganga Mahto @ Buchchun Mahto

.... Petitioner/s

Versus

Jag Sah & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 11-04-2016

Heard learned counsel Ms. Madhwi for the petitioner.

By the impugned order dated 06.02.2016 the learned Munsif, Narkatiaganj appointed Pleader Commissioner to report as to whether the drainage has been filled up or not, in Miscellaneous Case No.03 of 2008.

It appears that Title Suit No.02 of 2008 was filed by the plaintiff-respondent against the defendant. In the said suit on the application for injunction status quo order was passed restraining the defendant from filling up the drainage. Subsequently an application under Order 39 Rule 2A of the Code of Civil Procedure was filed by the plaintiff alleging that in fact the defendant has violated the injunction order and has filled up the drainage. For verification and report the court below by impugned order has appointed Pleader Commissioner.

In view of the above facts and circumstances of the

case when the court below found that it is necessary to appoint Pleader Commissioner for redressal of the grievances of the parties and the decision on the issue involved in the miscellaneous case, I do not find it is a case for interference in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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