

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8111 of 2014

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Deepak Kumar Sinha

.... Petitioner/s

Versus

Vikash Ranjan Sinha & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad

For the Respondent/s : Mr. Sc17- Arvind Kumar-2

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-02-2016

It appears that the respondent no.7 has wrongly been made party in this application under Article 227 of the Constitution of India. Thus the name of the respondent no.7 is deleted.

By the impugned order dated 16.01.2014, passed by Civil Judge, Senior Division No.1 Madhepura, the application under Order 26 Rule 9 C.P.C. filed by the plaintiff-petitioner in Title Suit No.237 of 2012 has been rejected.

It appears that the plaintiff filed the aforesaid suit for declaration of his title and for setting aside the sale deed, on the basis of which defendants are claiming title on the shop in question. Thereafter, the petitioner filed the application for appointment of Pleader Commissioner to ascertain on which plot the suit shop is situated. The Court below has rejected this application.

Perused the order passed by the Court below. From perusal of the application, it appears that the specific case of the plaintiff is that the suit shop is on Plot No.490 of Katha No.87. The plaintiff's claimed that he is the owner of this suit shop on Plot No. 490. The plaintiff is praying for setting aside the sale deed executed by respondent no.1 and 2 in favour of respondent no.3, which relates to shop situated on Plot No.491 Khata No.150. Admittedly, as submitted by the learned senior counsel, the plaintiff is not claiming title on the property of Khata No.150 Plot No.491.

In such circumstances, there is no question of appointment of Pleader Commissioner.

Thus, the Court below has rightly rejected the suit. Therefore, no interference can be made in exercise supervisory jurisdiction. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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