

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17220 of 2015

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Ram Lakhan Mandal

.... Petitioner/s

Versus

Sitaram Mandal

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manas Prakash

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-06-2016

Heard the learned counsel, Mr. Prabhat Kumar Singh for the petitioner.

It appears that the plaintiff-respondent's suit was decreed and Execution Case No.1 of 2010 was filed for delivery of possession of the suit property. In execution case, the petitioner who is judgment-debtor filed application for appointment of Survey Knowing Pleader Commissioner. On the prayer, the Survey Knowing Pleader Commissioner was appointed. He submitted his report. Against the report, the objection was filed by the petitioner. By the impugned order dated 21.06.2014, the learned Civil Judge, Junior Division No.1, Samastipur has rejected the objection and has directed for delivery of possession of the suit property.

Perused the order passed by the Court below. From perusal of the same, it appears that Court below found that after

submission of report, the Pleader Commissioner was examined as witness and he was also cross-examined. The Court below also found that the only objection of the petitioner is that the report of the Pleader Commissioner is only a table work and in fact, he has not visited the spot. This objection was overruled and then the impugned order has been passed.

In my opinion, therefore, the order passed by the Court below cannot be said to be passed without jurisdiction or it is irrational or the Court below has passed the order in the manner not permitted by law.

I, therefore, find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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