

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5789 of 2015**

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Gulam Rasul @ Gulam Rasul Miya @ Tunna Miya

.... .... Petitioner/s

Versus

Baijnath Prasad & Ors.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

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

**ORAL ORDER**

2      06-01-2016

At the time of hearing of the Interlocutory Application

No.6067 of 2015 the learned counsel for the petitioner submitted that this writ application itself may be heard on merit in admission matter. Accordingly, I heard him on merit in admission matter.

By the impugned order dated 25.02.2015 the learned 2<sup>nd</sup> Munsif, Siwan rejected the application filed by the plaintiff-petitioner for appointment of Pleader Commissioner in Title Suit No.315 of 1997/77 of 2014.

From perusal of the impugned order, it appears that the learned court below considered the case of both the parties and then found that the argument of the defendants has already been concluded. The argument of the plaintiff has also been substantially concluded and further the court below found that the Pleader Commissioner cannot be appointed for collection of evidence for the plaintiff.

In view of the above facts and circumstances of the case, in my opinion, by the impugned order no injustice has been caused to anyone nor the plaintiff is prejudiced. The case is of the year 1997 and at the fag end of the case this application has been filed. Thus, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Harish/-

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