

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.591 of 2016**

Radheshyam Sah & Ors

.... Appellant/s

Versus

Ashok Chaurasiya & Anr

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Yadav

For the Respondent/s : Mr.

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

ORAL ORDER

2 19-09-2016

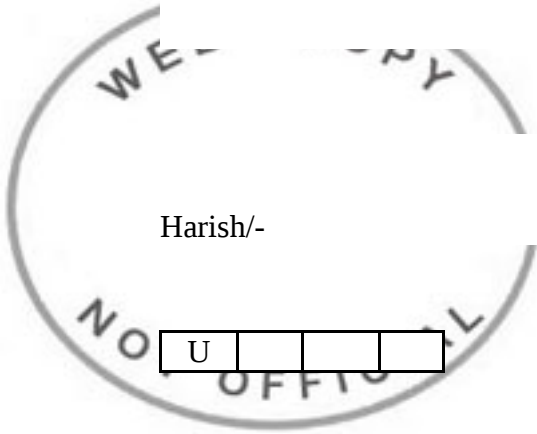
Heard learned counsel for the defendants-petitioners.

Perused the impugned order dated 21.04.2016 passed by
Munsif, Bagaha (West Champaran) in Title Suit No.10 of 2015
whereby the learned court below rejected the application filed by
the defendants.

It appears that the plaintiffs-respondents filed the suit for
declaration of title and recovery of possession. The defendants
filed written statement alleging that they have constructed their
dwelling house in the suit property.

In view of the above controversies between the parties,
there is no question of appointment of Pleader Commissioner in
this situation arises. If the plaintiffs will be able to prove their title
then they are entitled for recovery of possession irrespective of the
fact that there is dwelling house of the petitioners or not.

Thus, I find no jurisdictional error in the impugned order
and accordingly, this civil miscellaneous application is dismissed.



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(Mungeshwar Sahoo, J)