

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3203 of 2014

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Sri Ajay Kumar & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Mr. Aag14- Kaushal Kr Jha

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-01-2016

Heard the learned counsel for the petitioners and the learned
AC to AAG 14 on behalf of the State respondents.

By the impugned order dated 30.09.2013 passed by the
Sub-Judge VII, Biharsharif, Nalanda in Title Suit No. 223 of 2010
the Court below had rejected the application filed by the plaintiffs-
petitioners under Order 26 Rule 9 C.P.C. for appointment of
Pleader Commissioner.

From perusal of the impugned order, it appears that the
Court below has rejected the said application on the ground that
the plaintiff-petitioners are yet to adduce their evidence.

It is settled principle of law that for collection of the
evidence the Pleader Commissioner cannot be appointed and
therefore, the Court below has rightly rejected the application.

In such view of the matter, in exercise of supervisory jurisdiction, the impugned order cannot be interfered with. Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

ravi/-

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