

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3558 of 2014

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Ram Gulam Mistri & Anr

.... Petitioner/s

Versus

Satendra Singh & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 11-01-2016 Heard the learned counsel for the petitioner.

By the impugned order dated 23.12.2013 passed in Title Suit No.33 of 1996, the learned Munsif, Hilsa, Nalanda has cancelled the pleader commissioner's report and directed to appoint a fresh pleader commissioner for partition of the suit property. The learned counsel for the petitioner submitted that the suit is of the year 1996 and the petitioner plaintiff is being harassed by the defendant and several pleaders commissioner report have been cancelled.

Perused the order passed by the Court below. From perusal of the impugned order, it appears that the Court below found defect in the pleader commissioner report which has been enumerated in the order and, therefore, it cannot be said that order passed by the Court below is without jurisdiction or he has acted

in the manner not permitted by law.

In view of the finding recorded by the Court below that the report submitted by the pleader commissioner is defective, the Court below has rightly cancelled the report of the pleader commissioner. In such circumstances, the order cannot be interfered with in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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