

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5933 of 2016

In
C.R. 34 of 2016

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Yashwant Singh

.... Petitioner/s

Versus

Manju Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sajal Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

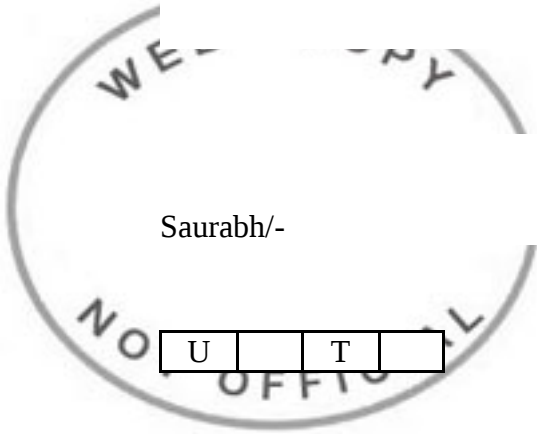
3 03-08-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 18.02.2016 passed by Sub Judge III, Barh in Title Suit No.9 of 2002 whereby the Court below has rejected the application filed by the petitioner under Order 26 Rule 9 C.P.C. on the ground that suit has been filed for declaration of title and recovery of possession only and, therefore, there is no question of appointment of Pleader Commissioner arises.

The learned counsel for the petitioner submitted that during the pendency of the suit, the respondent has encroached some part of the other plot of the plaintiff. At the time of hearing of this application, the plaint was placed before this Court. There is no such relief claimed by the petitioner for removal of encroachment.

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



(Mungeshwar Sahoo, J)