

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16795 of 2015

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Barmeshwar Choubey

.... Petitioner/s

Versus

Sachchidanand Choubey & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-06-2016

Heard the learned counsel for the petitioner.

The appellate court by order dated 21.08.2015 rejected the application filed by the petitioner for appointment of Pleader Commissioner.

It appears that the petitioner filed title suit for partition. The suit was dismissed and thereafter the petitioner has filed Title Appeal No.81 of 2010 wherein he has prayed for appointment of Pleader Commissioner. The learned A.D.J. IV, Buxar by order dated 21.08.2015 has rejected the said application.

From perusal of the order, it appears that the Court below has assigned reasons for not granting the application. It may be mentioned here that since the suit is partition suit, therefore, only question, which is to be decided, is whether plaintiff is entitled for a decree or not.

So far appointment of Pleader Commissioner is

concerned, on the ground prayed for by the petitioner is not at all necessary.

In my opinion, therefore, the Court below has rightly rejected the application.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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