

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19 of 2016

=====

Madhuri Kumari Sinha

.... Petitioner/s

Versus

Ram Kishore Singh & Anr

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gaurav Govind

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 01-03-2016 Heard the learned counsel, Mr. Navin Kumar Sinha, for the petitioner.

By the impugned order dated 02.07.2015, the Court below has rejected the application filed by the defendant petitioner under Order XXVI Rule 10A CPC for appointment of survey knowing pleader commissioner in title Suit No.496 of 2009.

The plaintiff respondent filed the aforesaid suit for declaration of title with respect to Schedule I and II property and clearly stated at paragraph 8 of the plaint that Schedule III property is the purchased property of the defendant. The defendant has also claiming title only on Schedule III property and not any property mentioned in Schedule I or II of the plaint.

In such view of the matter, the learned Court below has rightly held that if at all necessary, it will be seen at the time of

Judgment regarding appointment of pleader commissioner.
Therefore, at this stage, there is no question of interference of the
impugned order in supervisory jurisdiction arises. Thus, this writ
application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

U			
---	--	--	--