

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.219 of 2017**

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Sri Harendra Singh & Ors

.... Petitioner/s

Versus

Sri Rajiv Ranjan Kumar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 06-02-2017

Heard the learned counsel for the petitioners.

Perused the impugned order dated 18.08.2016 passed by Senior Civil Judge 3rd, Patna in Title Suit No.103 of 2015 whereby the application filed by the plaintiff-petitioner for appointment of Pleader Commissioner has been rejected.

The learned counsel for the petitioners submitted that the defendants have encroached the land of the plaintiff. However, at the time of hearing of this civil miscellaneous application, the plaint was produced before this court for perusal. The plaintiffs-petitioners have only prayed for declaration of title and recovery of possession of the schedule property. Therefore, there is no question of encroachment arises.

From perusal of the impugned order, it appears that the court below clearly mentioned that the application has been filed by the plaintiffs-petitioners on the ground that the defendants are



trying to confuse the identity of the suit property.

In my opinion, therefore, considering the nature of the relief claimed by the plaintiff and the ground for which the appointment of Survey Knowing Pleader Commissioner was prayed for is not necessary and thus, the learned court below has rightly rejected the prayer.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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