

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.275 of 2017**

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1. Mansoor Alam, Son of Late Manjoor Mian, Resident of Mohalla- Gudri Bazaar, Salapatganj, Police Station- Bhagwan Bazaar, District- Saran.

.... Appellant/s

Versus

1. Bangali Mian,
2. Noor Hoda Mian,
3. Mohammed Azad, All three sons of Late Habib Mian.
4. Majmoon Khatoon, Wife of Latif Mian.
5. Haseena Khatoon, Wife of Late Nasseer Mian.
6. Sahban Alam, Son of Late Nasser Mian, All resident of Mohalla- Gudri Bazaar, Salapatganj, Police Station- Bhagwan Bazaar, District- Saran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar
For the Respondent/s : Mr.

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

2 16-02-2017 Heard the learned counsel for the petitioner.

Perused the impugned order dated 26.09.2016 passed by the Sub-Judge I, Saran at Chapra in Title Suit No. 706/2014 whereby, the learned court below has rejected the application filed by the petitioner for appointment of Survey knowing pleader commissioner.

The plaint has been annexed as Annexure-I. From perusal of the relief of the plaint, it appears that the plaintiff has filed the suit for declaration of title over schedule-I property described in the map 'A', 'B', 'C' and 'D'. The plaintiff then filed application for appointment of survey knowing pleader



commissioner. When the plaintiff had filed the suit for declaration of title, only the appointment of pleader commissioner is not at all necessary because there is no dispute regarding the identity of the suit land. The plaintiff is praying for declaration of his title over the suit property. In such circumstances, there is no reason as to why the impugned order be set aside in exercise of supervisory jurisdiction.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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