

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.65 of 2017**

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Musafir Yadav

.... Appellant/s

Versus

Munsi Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr.

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

2 23-01-2017 Heard the learned counsel for the petitioner.

Perused the impugned order dated 27.08.2016 passed by learned
Munsif, Aurangabad in Title Suit No.114 of 2006 / 1499 of 2013.

It appears that by the impugned order, the Court below has allowed
the application filed by the defendant-respondent for appointment of survey
knowing pleader commissioner for finding out as to whether the new plot
No.86 has been carved out from old plot No.110 or old plot No.111 and
114. The Court below also noticed the fact that earlier same prayer was
rejected but on that ground, the prayer cannot be rejected as it is essential of
determination in the present suit because the defendant is disputing the case
of the plaintiff.

In such view of the matter, I do not find any jurisdictional error in
passing the impugned order by the Court below. Thus, this Civil Misc.
application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)

