

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21006 of 2013

In
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Dhanesh Prasad Gupta

.... Petitioner/s

Versus

Rajaram Sahu & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-09-2017

Heard learned counsel for the petitioner.

Perused the impugned order dated 03.07.2013 passed by the learned Subordinate Judge-III, Aurangabad in Partition Suit No.365 of 2010/26 of 2011 whereby the learned court below has rejected the application filed by the plaintiff-petitioner for appointment of Pleader Commissioner under Order 26 Rule 9 of the Code of Civil Procedure.

It appears that the partition suit was filed by the plaintiff-petitioner claiming ½ share in the suit property. Thereafter this application was filed by the plaintiff praying for appointment of Pleader Commissioner on the ground that defendants are making construction of a garage. The court below by the impugned order rejected the application on the ground that it is not necessary to appoint Pleader Commissioner.



Since it is admitted fact that partition suit has been filed and only allegation is that the defendants are constructing a garage, in my opinion, no case for appointment of Pleader Commissioner is made out. Thus, it is not a case for interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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