

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.4 of 2017**

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|                                 |      |      |              |
|---------------------------------|------|------|--------------|
| Vijay Kumar Singh @ Vijay Kumar | .... | .... | Petitioner/s |
| Versus                          |      |      |              |
| Anil Kumar Singh                | .... | .... | Respondent/s |

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**Appearance :**

For the Appellant/s : Mr. Najmul Hoda  
For the Respondent/s : Mr.

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

2      16-01-2017                      Heard the learned counsel for the petitioner.

Perused the impugned order dated 03.11.2016 passed by learned Sub Judge II, Dumraon in Title Suit No.307 of 2012 whereby the learned Court below has rejected the prayer for recalling the order dated 29.11.2015.

It may be mentioned here that the plaintiff-respondent filed the suit for declaration of title and possession on the basis of registered sale deed. Therefore, in view of the claim i.e. relief claimed by the plaintiff in the suit, the plaintiff is required to prove his title and possession over the purchased property mentioned in his sale deed. Admittedly, the defendant has not started his evidence and moreover, for deciding the question of title of the plaintiff, the Pleader Commissioner's appointment is not at all required.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.



Accordingly, this Civil Miscellaneous application is  
dismissed.

**(Mungeshwar Sahoo, J)**

Saurabh/-

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