

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15174 of 2013

IN

C.R. 2014 of 2009

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Bhola Bhagat son of Late Bisuni Bhagat, resident of village +P.O.. Hussepur, P.s.
Bhorey District Gopalganj.

.... Plaintiff/Petitioner

Versus

1(i) Manoj Kumar Sah

1(ii)Om Prakash Sah

1(iii) Ramawati Devi, Sons of Late Raghunath Sah.

1(iv) Rima Kumari

1(v) Chanda Kumari

1(vi)Seema Kumari All Daughters of Late Raghunath Sah.

1(vii)Mostt. Shanti Devi widow of Late Raghunath Sah.

All resident of Village-Hussepur, P.O. Hussepur, P.S. Bhorey, District Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SURESH PRASAD BHAKTA, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the petitioner.

By the impugned order the learned court below has rejected the prayer made by the plaintiff-petitioner in his supplementary petition for a direction to the Pleader Commissioner to submit report on the points mentioned in the supplementary petition also.



Learned counsel for the petitioner has submitted that there is no harm if the report of the Pleader Commissioner is submitted on the additional points also as raised in the supplementary petition of the petitioner. However from the perusal of the impugned order, it transpires that the defendant had earlier filed a rejoinder to the petition dated 14.09.2006, wherein, they raised the prayer for measurement of the entire plot no. 3490 including the area and number of house and shops present thereupon. It further transpires that the said prayer of the defendants was opposed by the plaintiff leading to the dismissal of the prayer. However, the plaintiff-petitioner subsequently himself filed the supplementary petition making the same prayer before the court as was made by the defendant in the rejoinder.

The learned court below after considering the entire facts and circumstances and in particular taking notice of the stand of the plaintiff-petitioner earlier has turned down the prayer made by the plaintiff-petitioner in the supplementary petition. This Court, therefore, is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order as no illegality or material irregularity has been committed by the court below.

Learned counsel for the petitioner has submitted that



T.S. No. 109 of 1990 is still pending.

In view of the aforesaid submission, the learned court below is directed to dispose of the suit expeditiously and preferably within a period of six months from the date of receipt/production of a copy of this order, if not disposed of earlier.

The application is, accordingly dismissed with the aforesaid direction.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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