

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.143 of 2017

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Rajesh Sharma

.... Appellant/s

Versus

Md. Tanweer Siddique & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 28-01-2017 **1.** Heard the learned counsel, Mr. Ranjeet Kumar, for the petitioner.
- 2.** Perused the impugned order dated 10.11.2016 passed by Addl. District Judge VII, Patna in Misc. Appeal No.60 of 2007 whereby the learned Addl. District Judge VII, Patna has rejected the application filed by the petitioner for appointment of pleader commissioner.
- 3.** It may be mentioned here that the petitioner filed the injunction application in the suit. The injunction application has been rejected and thereafter, the petitioner has filed the Misc. appeal before the appellate Court challenging the order rejecting the injunction application.
- 4.** In view of the above facts and circumstances of the case, the Addl. District Judge where the Misc. Appeal is pending



is required to see as to whether the petitioner is entitled to the grant of injunction or not for this purpose, the report of pleader commissioner is not at all necessary as admittedly the petitioner is not in possession of the suit property and he has filed the suit for declaration that he is entitled to possess the suit property as tenant. From perusal of the impugned order, it appears that the Court below clearly recorded finding that in the suit premises, another tenant has been inducted.

5. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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