

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16164 of 2013

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Ashok Kumar son of late Ram Naresh Singh, resident of Akharaghat (Shekhpur),
P.S. Ahiyapur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Law Secretary, Law Department of Government of Bihar, Patna.
3. Jagarnath Singh, Son of late Ran Bahadur, Resident of Village-Shekhpur,
P.S. Ahiyapur, District-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s : Mr. Avnish Nandan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-02-2017

Learned counsel for the petitioner is directed to strike off
the names of respondent nos. 1 and 2 from the application.

Heard learned counsel appearing on behalf of the
petitioner.

The plaintiff is the petitioner in this application and has
questioned the legal sustainability of the impugned order by which the
learned court below has directed for appointment of a Pleader
Commissioner for making local inspection and submit a report.

Learned counsel for the petitioner could not satisfy this
Court as to how the impugned order for appointment of Pleader
Commissioner will prejudice the plaintiff-petitioner in any manner. It



is also seemly here to notice the provision of Order 26 Rule 9 C.P.C. in this regard. From the impugned order as well as from the submissions on behalf of the petitioner, it is apparent that the dispute is for schedule-I of the plaint which is 20 Kari of land claimed by the defendant to be Rasta. The learned court below, after considering the facts and circumstances as well as the submissions made before it by the petitioner has passed the order for appointment of the Pleader Commissioner. This Court is not persuaded to hold that the discretion exercised by the learned court below in the present facts and circumstances is arbitrary or perverse.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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