

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18392 of 2013

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Dinesh Singh Son of Late Agin Singh, Village - Dudhaila Ganchhi, P.S. Sonepur, District - Saran

.... Petitioner

Versus

1. Kaushal Kumar Singh Son Of Ram Janam Singh Resident Of Village - Pahleza Naya Tola (Shahpur Diyara), P.S. Sonepur, District - Saran At Chapra
2. Mosmat Chandrawati Devi @ Jayanti Devi Wife Of Late Ram Janam Singh Resident Of Village - Pahleza Naya Tola (Shahpur Diyara), P.S. Sonepur, District - Saran At Chapra
3. Jiwanti Devi Wife Of Sheo Shankar Singh Resident Of Village - Rasalpura, P.S. Doriganj, District - Saran At Chapra
4. Sudisht Singh Son Of Sheo Shankar Singh Resident Of Village - Rasalpura, P.S. Doriganj, District - Saran At Chapra
5. Shashi Kant Singh Son Of Bhagwat Singh Resident Of Village - Rasalpura, P.S. Doriganj, District - Saran At Chapra
6. Rama Kant Singh Son Of Bhagwat Singh Resident Of Village - Rasalpura, P.S. Doriganj, District - Saran At Chapra

.... Respondents

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-12-2017 This application has been filed to quash the order dated 18.06.2013 passed by learned Munsif-III, Chapra in Title Suit No.282 of 2002 whereby and whereunder the learned court below rejected the petition dated 30.10.2012 filed by the petitioner for appoint of Advocate Commissioner for local inspection and a report on physical feature.

2. Heard learned counsel for the petitioner and perused the impugned order.



3. It appears that the petitioner filed Title Suit No.282 of 2002 against the respondents for declaration of title over the suit land and also to direct the defendants to maintain status quo. The defendants appeared and filed written statement denying the case of plaintiffs. The plaintiff during the pendency of the suit filed an amendment petition and sought relief for recovery of possession. The amendment was allowed as per order dated 18.08.2012. From the relief claimed by the petitioner, it is apparent that petitioner/plaintiff is not the possession of the suit premises and so in this view of the matter, the appointment of Advocate Commissioner for reporting about physical feature of suit land will have no use as the plaintiff in the event of decree will get delivery of possession through the process of the Court.

4. In view of the above, I do not find any merit in this application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

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