

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19207 of 2013

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Naw Jadik Thakur

.... Petitioner/s

Versus

Shivjee Thakur & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 15-09-2017 Heard the learned counsel for the parties on I.A. No.1792 of 2015.

In view of the statement of the learned counsel for the petitioner, this I.A. is allowed and the legal representatives of the deceased sole petitioner are substituted in place of the deceased. They have already filed Vakalatnama.

Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

Perused the impugned order dated 17.06.2013 passed by learned Addl. Munsif VII, in Title Suit No.11 of 2003 whereby the learned Court below has rejected the three applications filed by the defendant petitioner.

From perusal of the impugned order, it appears that by filing these three applications, the defendant petitioner prayed to appoint new survey knowing Advocate Commissioner as the survey



knowing pleader commissioner already appointed is the relative of the plaintiff on whose petition he has appointed. The learned Court below rejected these three applications on the ground that the pleader commissioner was appointed in 2006 and, therefore, report has been submitted by him in 2011. Therefore, the Court below directed that the plaintiff will produce the said pleader commissioner as witness and defendant would be at liberty to cross-examine him with respect to the application given by him.

In view of the reasoned order, I do not find any illegality in the impugned order nor it occasioned failure of justice nor the order impugned is passed in the manner not permitted by law. Thus, no case for interference in exercise of supervisory jurisdiction is made out. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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