

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23873 of 2013

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Murlidhar Singh Son Of Late Ram Bahadur Singh Resident Of Village -
Gangour, P.S. + Dist - Khagaria

.... Petitioner

Versus

Chandrabir Singh @ Doman Singh Son Of Late Yadunandan Singh
Resident Of Village - Gangaour, P.S. + Dist - Khagaria

.... Respondent

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Appearance :

For the Petitioner : Mr. Poddar Suresh Gandhi

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 30-11-2017 The present petitioner is defendant first party in Title

Suit No.26 of 2007. He has filed this application for quashing the

order dated 24.09.2013 passed by Munsif, Khagaria in Title Suit

No.26 of 2007 whereby and whereunder his prayer for

appointment of Advocate Commissioner was refused.

2. Heard learned counsel for the petitioner and

perused the record.

3. It appears that the respondent filed a title suit on

the file of Munsif, Khagaria for declaration of his right and title.

The defendant appeared and filed written statement. The defendant

who is petitioner before this Court filed a petition to reject the

report of Advocate Commissioner which was submitted in a

proceeding under Section 145 of the Cr.P.C. In course of trial, the



said Advocate Commissioner has been examined as PW-7 and after cross-examination he has been discharged. The petitioner has not disclosed the points which are sought to be reported. The application of petitioner is vague and the court below has rightly rejected the petition as per impugned order.

4. In the facts and circumstances, I do not find any jurisdictional error or illegality in the impugned order. The court below however may appoint Advocate Commissioner if the court finds any ambiguity in adjudicating the matter in dispute. This application is devoid of merit and as such, is dismissed.

(Sanjay Kumar, J)

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