

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.596 of 2018**

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1. Chedi Raut @ Chedi Ray Son of Guli Raut@ Bhuli Ray Resident of Sheohar ward No. 8, P.O. - Sheohar, P.S. Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. Sokhendra Raut
2. Ajay Kumar Raut
3. Arvind Kumar
4. Bijay Kumar All Sons of late Jamun Raut@ Jamuna Raut All Resident of Sheohar Ward no. 8, P.O. Sheohar ,P.S. Sheohar, District- Sheohar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishwa Nath Chaudhary

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 15-05-2018

Heard learned counsel for the petitioner.

Petitioner is the defendant in the court below. By the impugned order, learned court below has appointed Pleader Commissioner to measure the lands of Plot No.3791 and 3792 and report about the fact that any portion of Plot No.3791 and 3792 is encroached or not.

The learned counsel for the petitioner submits that the petitioner filed the suit for declaration of title and confirmation of possession and also for recovery of possession on any part of his plots encroached by the defendant. The learned counsel for the petitioner submits that the plaintiff has admitted that the parties are in possession of their respective lands and in this view of the



fact, the appointment of Pleader Commissioner is unnecessary but I do not find any substance in the submission of the learned counsel for the petitioner as the petitioner filed suit for declaration of title and confirmation of possession as well as recovery of possession on any part of Plot Nos.3791 and 3792. In this view of the fact, the Pleader Commissioner was appointed to measure and to report about any part of Plot Nos.3791 and 3792 is encroached upon by any side or not. Therefore, I do not find any illegality or jurisdictional error in the order impugned.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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