

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.620 of 2018**

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1. Satya Narayan Mahto, S/o Late Ram Pratap Mahto
2. Banarsi Devi, W/o Satya Narayan Mahto, Resident of Village & P.O.-
Dhankaul, P.S. Patepur, District- Vaishali.

.... Petitioner/s

Versus

1. Ram Shogarath Mahto, S/o Late Bhullar Mahto, Resident of Village &
P.O.- Dhankaul, P.S. Patepur, District- Vaishali.
2. Upendra Mahto, S/o Late Khobari Mahto, Resident of Village & P.O.-
Dhankaul, P.S. Patepur, District- Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali

For the Respondent/s : Mr.

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

ORAL ORDER

2 23-07-2018 Heard the learned counsel for the petitioners.

The petitioners have filed this civil miscellaneous petition against the order dated 21.01.2017 passed in Title Suit No.199 of 2011 by which the petition of the petitioners for appointment of Pleader Commissioner to report about the physical features of the land has been dismissed.

The learned counsel for the petitioners submits that the petitioners filed the suit for declaration of title and recovery of possession. The defendant also claimed the title and possession over the disputed land. During the pendency of the suit, the petitioners filed petition for appointment of Pleader Commissioner and the Court rejected that petition on the ground that in view of



the prayer made by the plaintiff for declaration of title and recovery of possession with regard to disputed land, the appointment of Pleader Commissioner is not necessary and that shall amount to collect evidence on behalf of the plaintiff.

Having considered the facts, I find that the appointment of Pleader Commissioner is not at all required and the learned court below rightly rejected the petition. Thus, this civil miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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