

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.649 of 2018

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1. Smt. Dolly Agrawal @ Dolly Devi, wife of Sri Kailash Kumar Agrawal, resident of Village- Sanhauliganj, Mohalla- Lohapatti, Shivala Road, Khagaria, P.S. and District- Khagaria.
 2. Binod Bhagat @ Binod Sah, son of Late Chhathi Lal Sah, resident of Village- Sanhauliganj, P.S. and District- Khagaria.

.... Petitioner/s

Versus

1. Most. Sulochana Devi, wife of Late Shankar Prasad Sah
2. Vijay Kumar
3. Ajay Kumar, both sons of Late Shankar Pd. Sah, Respondent Nos. 2 & 3 are minor sons of Late Shankar Pd. Sah and represented through their mother and natural guardian Most. Sulochana Devi, All residents of Mohalla- Sanjhauliganj, ward No. 6, Main Road Khagaria, P.S. and District- Khagaria.
4. Kiran Raj, wife of Raj Kumar Raj, daughter of Late Ram Swaroop Sah, resident of Ghosi, tola, P.O., P.S and District- Munger.
5. Smt. Nirmla Gupta, W/o Ajay Kumar, daughter of Late Ram Swaroop Sah, resident of village- Batraha, P.O + P.S + District- Saharsa.
6. Babloo Sah,
7. Dabloo Sah, both sons of Late Ram Swaroop Sah, Both residents of Mohalla- Khagaria Bazar, P.S. Patralaya, District- Khagaria.
8. Smt. Buchchi Devi, W/o Late Shambu Bhagat, daughter of Late Chhatni Lal Sah, resident of village- Gaura Shakti, P.O. Gaura, P.S. Muffasil, District- Khagaria.
9. Jamuna Prasad Sah,
10. Sushil Prasad Sah, both sons of Late Ram Chandra Sah, both residents of Mohalla- Sanhouliganj, Main Road, P.S. Anchal, District- Khagaria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarita Bajaj
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 30-07-2018

Heard learned counsel for the petitioners.

The petitioners have filed this civil miscellaneous petition against the order dated 02.01.2018 passed by Sub Judge I, Khagaria in Title Suit No.81 of 1999 by which Pleader



Commissioner was appointed to verify the physical features of the land.

The learned counsel for the petitioners submits that the petitioners are the defendants in the court below. The plaintiffs filed suit for partition. There is an ad interim order for maintaining status quo but the plaintiffs made construction on the disputed land and it appears that the plaintiffs only made prayer for appointment of Pleader Commissioner to report about the physical features of the disputed land. The Court finds that to know about the physical features of the disputed land, the appointment of Pleader Commissioner is necessary.

Taking into consideration the facts aforesaid, I do not find any jurisdictional error or illegality in the order impugned. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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