

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6702 of 2014

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1. Doma Singh Yadav Son Of Late Sahdeo Yadav
 2. Rana Pratap Singh
 3. Mohan Singh
 4. Nandu Singh Yadav @ Nand Kumar Singh
 5. Vinod Singh Yadav @ Vinod Singh
 6. Munna Singh Yadav @ Munna Singh
 7. Daya Singh Yadav @ Daya Singh All 2 To 7 Are The Sons Of Doma Singh Yadav All Are Residents Of Village- Barka Kajhar, P.S.- Kudra, P.O.- Oddar, District- Kaimur (Bhabhua)

.... Petitioners

Versus

1. Most. Jahurna Kuwar Wife Of Late Kanhai Choudhary
2. Ayodhya Choudhary
3. Munna Choudhary Both Are Sons Of Late Kanhai Choudhary All Are Residents Of Village- Barka Kajhar, P.S.- Kudra, P.O.- Oddar, District- Kaimur (Bhabhua)
4. Uday Pratap Singh @ Munna Singh Son Of Babu Parbneshwar Singh Resident Of Village- Jehanabad, P.S.- Kudra, District- Kaimur

.... Respondents

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Appearance :

For the Petitioners : Mr. Jitendra Prasad Singh

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 21-02-2018 This application has been filed by the defendant of Title Suit No.171 of 2009 pending in the Court of Munsif, Kaimur at Bhabhua. The court below as per impugned order dated 09.01.2014 appointed the Survey Knowing Pleader Commissioner to ascertain the area of disputed land.

2. Heard learned counsel for the petitioners and the respondents.

3. The respondent Ist party filed the aforesaid Title Suit



No.171 of 2009 for declaration of their right and confirmation of possession over the suit land measuring 6 decimal as mentioned in Schedule-A of the plaint. The plaintiff has further sought relief for injunction restraining the defendants from causing any interference in his possession over the suit land. During the trial, the respondent Ist party filed petition under Order 26 Rule 10(A) of the CPC which after hearing was allowed and the court below appointed Survey Knowing Pleader Commissioner to submit a report regarding actual status of land. The learned court below in order to ascertain the actual dispute and measure the land, has appointed the Advocate Knowing Commissioner. Both the parties claim the land by virtue of their respective purchase and so measurement of the land of plot nos.182 and 183 appears necessary for adjudication of dispute. Thus, I find that the court below has not committed any jurisdictional error in appointing the Survey Knowing Advocate Commissioner.

4. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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