

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.411 of 2016

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1. Mostt. Manmatiya Kuer @ Sundar Basia Devi @ Sunda Barsiya Devi wife of Late Jagdish Singh resident of village - Mayapur, P.O. - Dhanaw Bisheshar Bigha, P.S. - Daudnagar, District - Aurangabad.

.... Petitioner

Versus

1. Sri Jageshar Singh
2. Bindeshar Singh
3. Sidheshwar Singh son of Sri Ram Narayan Singh All residents of village - Mayapur, P.O. - Dhanaw Bisheshar Bigha, P.S. - Daudnagar and District - Aurangabad.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Verma
For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 09-03-2018

Heard both sides.

The petitioner has filed this petition against the order dated 14.03.2016 passed in T.S. No.162/2002/52/2007 by learned Sub Judge-III, Aurangabad, by which, the petition of the petitioner for appointment of pleader Commissioner has been dismissed.

The petitioner is defendant in T.S. No.162/2002. The plaintiff filed suit for declaration of right and title. The petitioner claimed the possession over the land by virtue of oral sale deed executed by ancestor of the plaintiff. When the case was pending for evidence of plaintiff, the petitioner filed petition for appointment of pleader Commissioner for measurement of the land and for physical



feature of the land and Sub Judge-III, Aurangabad rejected the petition. Both the parties have claimed title over the land as there is no requirement of measurement of the land that too before the evidence of the plaintiff. Thus, the order does not suffer from any jurisdictional error.

I do not find any illegality and jurisdictional error in the order. Accordingly, this miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	NA

