

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1148 of 2018

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1. Sumitra Devi, Wife of Lakshmi Sah, Resident of Village- Bagahi Tola, Ramnagar, P.S.- Runi Saidpur, District- Sitamarhi.

.... Appellant/s

Versus

1. Chandradev Mandal, Son of Late Lakshman Mandal, Resident of Village- Bagahi Tola, Ramnagar, P.S.- Runi Saidpur, P.O.- Ramnagar, Via- Athari, District- Sitamarhi.
2. Poonam Devi, Wife of Late Umesh Sah,
3. Gautam Kumar, Son of Late Umesh Sah,
4. Raushan Kumar, Son of Late Umesh Sah,
5. Minakshi Kumari, Daughter of Late Umesh Sah, All resident of Village- Rampur, Runisaidpur, Tola- Rakasia Shiv Nagar, P.S. & P.O.- Runisaidpur, District- Sitamarhi.
6. Lallu Sah, H/o Shobha Devi, S/o Late Kailash Sah, Resident of Village+P.O.- Janer, P.S.- Aurai, District- Muzaffarpur.
7. Bibha Devi, Wife of Sri Dasrath Sah, Resident of Village+P.O.- Bedaul, P.S.- Aurai, District- Muzaffarpur.
8. Manju Devi, Wife of Sri Bhola Sah, Resident of Village- Harpur Pipra, P.O.- Sirahi, P.S.- Mirganj, District- Sitamarhi.
9. Anita Devi, Wife of Sri Radhe Sah, Resident of Village- Madhuban, P.O.- Ghanshyampur, P.S.- Aurai, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Atul Kumar Pandey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 23-08-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition against the order dated 13.06.2018 passed by learned Munsif, Sitamarhi in Title Suit No. 27 of 2016 by which the petition of the petitioner for appointment of Pleader Commissioner to measure the lands mentioned in Schedule 1 of the plaint and also give the



boundary and area of the lands shown in red colour in map attached with the plaint has been rejected.

Petitioner is the plaintiff. The learned counsel for the petitioner submits that the petitioner filed the suit for declaration of title and recovery of possession after removal of encroachment from the portion of Plot no. 6052 and 6053 but the learned Munsif has illegally rejected the petition of the petitioner.

It appears that the learned Munsif rejected the petition of the petitioner for appointment of Pleader Commissioner solely on the ground that the suit is still pending for appearance of the defendants.

I do not find any illegality in the impugned order because the suit is still pending for appearance of the defendants and at this stage the appointment of Pleader Commissioner is not at all required.

This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/Rajan

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