

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17094 of 2014

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1. Premdhar Rai Son of Late Asharfi Rai resident of village - Maujampur
Ke Tola, P.O. Narawn, P.S. Awatar Nagar, District - Saran

2. Pathalu Rai Son of Late Ramdewan Rai resident of village - Maujampur
Phulwariya Tola, P.O. Narawn, P.S. Awatar Nagar, District - Saran

.... Petitioners

Versus

Mohar Rai son of Hardeo Rai resident of village - Maujampur Ke Tola,
P.O. Narawn, P.S. Awatar Nagar, District - Saran

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioners and perused the
record.

2. The petitioners are defendants of Title Suit No.46 of
1992 pending in the court of Munsif II, Chapra, Saran. The present
application has been filed for setting aside the order dated
05.06.2014 whereby and whereunder the petition filed by the
petitioners was rejected.

3. It appears that a survey knowing Pleader
Commissioner was appointed who submitted his report before the
court below. According to the learned counsel for the petitioners,
the Pleader Commissioner has not scientifically prepared a field
book on the spot and wrongly submitted report and so the same



cannot be accepted in evidence. The learned court below while rejecting the prayer of petitioners has observed that the authenticity and legality of report of survey knowing Pleader Commissioner will be considered during trial. The court below has not given any finding on the report of Pleader Commissioner and so no prejudice is caused to the petitioners.

4. The writ application filed by this petitioner appears to be devoid of merit and is accordingly disposed of. However, the petitioner will have an opportunity to raise objection at the time of considering the report by the court below.

(Sanjay Kumar, J)

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