

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18490 of 2014

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1. Maheshwar Tanti S/o Late Bangali Tanti @ Rupchand Tanti
 2. Bachchan Bharti S/o Late Madri Dass
 3. Smt.Bindu Devi Wife of Bachchan Bharti
- All are resident of Mauza-Lakhminia, P.S-Balia, Distt.-Begusarai.

.... Petitioner/s

Versus

1. Nand Kishore Singh S/o Ram Baran Singh.
 2. Smt.Sumitra Devi Wife of Ram Baran Singh
- Both are residents of village-Mir Atipur, P.S-Balia, Distt.-Begusarai.
3. Md.Firoz S/o Md.Israil, resident of village-Lakhminia, P.S-Balia, Distt.-Begusarai.
 4. Anup Tanti
 5. Bulbul Tanti
 6. Ram Swarup Tanti
 7. Bimal Tanti
- All 4 to 7 are sons of Late Bilasi Devi & Late Gultan Tanti
8. Bibi Sairun Nisa Wife of Zaki Ahmad
 9. Zaki Ahmad Son of Md.Rauf
 10. Sagar Sharma Son of Late Jhari Sharma
 11. Mithu Yadav S/o Late Ayodhiya Yadav
- All 4 to 11 are resident of village + P.O-Lakhminia, P.S-Balia, Distt.-Begusarai
12. Shanti Devi Widow of Late Sukhlal Prasad Tanti
 13. Rajesh Tanti
 14. Ajay Tanti
- Both 13&14 are sons of Late Sukhlal Prasad Tanti
15. Ganesh Tanti S/o Kanchan Tanti
 16. Sashi Tanti
 17. Ravi Kumar
 18. Deepak Kumar
- All 15 to 18 are sons of Ganesh Prasad Tanti
- All 12 to 18 are resident of village + P.O-Lakhminia, P.S-Balia, Distt.-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Adv.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-04-2018

The petitioners have filed this application for setting aside



the order dated 09.06.2014 passed by Sub-Judge-V, Begusarai in T.S. No. 243 of 2009. The court below as per impugned order recalled its order dated 06.08.2010 and fixed the case for hearing on petition and rejoinder filed by the parties.

Heard learned counsels for the petitioners as well as the respondents.

It appears that these petitioners had filed the aforesaid suit for declaration of their right and title. On the petition of these petitioners, a Survey Knowing Pleader Commissioner was appointed and the Pleader Commissioner submitted report. The court below, as per order dated 06.08.2010, confirmed the report submitted by Pleader Commissioner. The defendants-respondents filed objection to this effect that the order confirming report of Pleader Commissioner was passed without hearing the parties. The court below considering the submission of defendants-respondents, allowed the petition and recalled the said order confirming the report of Pleader Commissioner.

I find that the court below has not passed any order on merit rather recalled the earlier order whereunder the report of Pleader Commissioner was confirmed. The court below fixed the case for hearing on objection petition filed against the report of Commissioner.

In view of above discussion, I find that this application is



devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.05.2018
Transmission Date	

