

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1939 of 2017**

1. Jawahar Lal Dev, Son of Late Malik Lal Dev,
2. Most. Suniti Devi, Widow of Late Malik Lal Dev,
3. Pradeep Lal Dev, Son of Late Baleshwar Lal Dev,
4. Vijay Lal Dev @ Vijay Kumar Dev, Son of Late Baleshwar Lal Dev,
5. Amar Lal Dev @ Amresh Lal Dev, Son of Late Baleshwar Lal Dev,
6. Munna Lal Dev, Son of Late Baleshwar Lal Dev,
7. Tiger Lal Dev, Son of Late Baleshwar Lal Dev,
8. Anugrah Narain Dev @ Birendra Lal Dev, Son of Late Baleshwar Lal Dev,
9. Arjun Lal Dev @ Arjun Prasad Dev, Son of Kameshwar Lal Dev,
10. Maheshwar Lal Dev,
11. Khageshwar Lal Dev, Both are sons of Late Bhogi Lal Dev, All are residents of Village- Mauza Bela Pohaddi, Police Station Old Biraul, Now Ghanshyampur, Sub-Registry Office, Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. Sri Panna Lal Dev,
2. Sri Pawan Lal Dev,
3. Sri Prem Kumar Dev, Respondents no.1 to 3 are sons of Ayodhi Lal Dev, Respondents no.1 to 3 are resident of Village- Mauza Bela, Pohaddi, Police Station- Old Biraul, now Ghanshyampur, Sub-Registry Office, Bahera, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 26-11-2018 Heard Mr. Vishwanath Prasad Singh, learned senior counsel appearing on behalf of the petitioners.

Petitioners are the defendants 2nd set. The plaintiffs filed the suit for declaration of title and confirmation of possession. During the pendency of the suit, the defendants 2nd set filed petition for appointment of Pleader Commissioner to



know about the physical features of the land but the learned Munsif vide order dated 19.07.2017 rejected the petition of the petitioners for appointment of Pleader Commissioner holding that the Pleader Commissioner is not at all required to be appointed to know the physical features of the land.

Mr. Vishwanath Prasad Singh, learned senior counsel for the petitioners submits that the report of the Pleader Commissioner is required for the just decision of the case in order to verify the physical features of the land but I find no error or illegality in the order. The plaintiffs filed the suit for declaration of title and confirmation of possession. The defendants 2nd set also claimed title and possession over the land. In a suit for declaration of title, the appointment of Pleader Commissioner is not at all required in order to collect any evidence. The parties have already adduced their evidence oral as well as documentary in order to prove their case of title over the disputed land. Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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