

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.516 of 2018

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1. Shambhu Ram Son of Late Lalji Ram Resident of Village - Piparia, P.S. - Bagaha, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran.
2. Harendra Sah
3. Nagendra Sah
4. Manoj Sah All sons of Late Sheonath Sah
5. Most. Manti Devi Wife of Late Sheonath Sah All residents of Village - Piparia, P.O. Chhotaki Patti (Bargam) P.S. Chautarwa, District West Champaran (Bihar).
6. Shankar Mishra Son of Laxmi Mishra
Mohan Mishra, Son of Late Bhupdeo Mishra, All residents of Village - Piparia, P.O. Chhotaki Patti (Bargam) P.S. Chautarwa, District West Champaran (Bihar).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Prasad Sharma
For the Respondent/s : Mr. Md.Khurshid Alam -AAG12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-10-2018 The petitioner has filed this civil miscellaneous petition against the order dated 11.12.2017 passed in Title Suit No.20 of 2010 by which the petition of the petitioner for appointment of Pleader Commissioner has been rejected.

Learned counsel for the petitioner submits that the appointment of Pleader Commissioner is necessary in order to report about the structure standing in the disputed land but it appears from perusal of the order itself that the suit was running for the argument. The defendant never made any averment in the



written statement about the house standing on the disputed land.

At the fag end of the argument, defendant No.3-petitioner filed petition for appointment of Pleader Commissioner. The Pleader Commissioner cannot be appointed in order to collect the evidence of a party unless there is averment in the pleading. Thus, I find that the learned Munsif, Bagaha has rightly rejected the petition of the petitioner for appointment of Pleader Commissioner.

Accordingly, this civil miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

Saurabh/-

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