

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1584 of 2017

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1. Mahatam Yadav Son of Late Nihora Yadav
2. Most Yotiya Kuer Wife of Late Nihora Yadav
3. Nand Jee Yadav Son of Late Saryu Yadav. All are Resident of Village-
Kabirpur Tola Emlahi P.O. Kabirpur P.s. Mairwa District-Siwan,

.... Petitionert/s

Versus

1. Chhathu Mallah Son of Late Lalji Mallah
2. Bhola Mallah @ Bholla Prasad Son of late Ramautar Mallah Both are
Resident of Village-Kabirpur, Tola, Emlahi, P.O.Kabirpur, P.S. Miruja,
District-Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Kumar Shrivastva

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-10-2018 Heard Mr. Akhileshwar Kumar Srivastava, learned
counsel for the petitioners and Mr. Arvind Kumar Singh, learned
counsel for the respondents.

The petitioners have filed this civil miscellaneous petition
against the order dated 02.02.2017 passed by 2nd Munsif, Siwan in
Title Suit No.10 of 2011 by which the objection of the defendants
1st set with regard to the report of the Pleader Commissioner has
been rejected.

Learned counsel for the petitioners after some argument
seeks permission to withdraw this civil miscellaneous petition
with liberty to cross-examine the Pleader Commissioner when the



Pleader Commissioner was examined on behalf of the plaintiffs.

Prayer is allowed. It goes without saying that the defendants have got every right to cross-examine the Pleader Commissioner who submitted report and ask question about the unscientific measurement done by the Pleader Commissioner and on the basis of such unscientific measurement, the report was submitted. Accordingly, with the aforesaid liberty, this civil miscellaneous petition is dismissed as withdrawn.

(Prabhat Kumar Jha, J)

Saurabh/-

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