

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.957 of 2018

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Anup Prasad Singh, son of Late Gopal Prasad Singh, Resident of
Village+P.O.- Koilwar, P.S. Haspura, Dist.-Aurangabad

.... Petitioner

Versus

1. Shailendra Kumar son of Late Raja Prasad Sharma, Resident of
Village+P.O.- Koilwar, P.S. Haspura, Dist.-Aurangabad
2. Santosh Kumar
3. Anand Kumar, Both sons of Anup Prasad Singh, Resident of
Village+P.O.-Koilwar, P.s. Haspura, Dist.-Aurangabad

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-07-2018

Heard learned counsel for the petitioner.

The petitioner has filed this writ petition against the order dated 12.06.2018 passed in Title Suit No.24/2018 by which the petition of the petitioner filed under Order 26 Rule 10A of the C.P.C. for appointment of Survey knowing Pleader commissioner has been dismissed. The petitioner was the defendant in the court below.

The plaintiff filed the suit for declaration of title and recovery of possession with regard to the encroached portion shows in the red colour in Schedule-A of the plaint. The plaintiff has commenced his evidence and he has already examined three witnesses. During the pendency of the suit, the defendant filed



petition for appointment of Survey Knowing Pleader Commissioner to measure the entire suit land. The learned court below rejected the petition of the petitioner defendant with liberty to file such petition when the turn of his evidence comes.

After some argument, learned counsel for the petitioner seeks permission to withdraw this Civil Miscellaneous petition with liberty granted by the learned court below to file petition for appointment of pleader commissioner when his turn comes.

Accordingly, this Civil Miscellaneous petition is dismissed as withdrawn with aforesaid liberty.

(Prabhat Kumar Jha, J)

Amit/-

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