

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1220 of 2018

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Mosomat Sharda Devi wife of Late Dasai Rai, resident of Village-
Dilawarpur Pachrukhi, P.S. Lalganj, District- Vaishali.

.... Petitioner

Versus

1. Kapildeo Rai son of Late Narain Rai
2. Indradeo Rai son of Late Shiv Chandra Rai, Both are residents of
Village- Dilawarpur, P.S. Lalganj, District- Vaishali.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Devendra Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 23-08-2018 Heard both sides.

The petitioner has filed this civil miscellaneous petition against the order dated 16.02.2018 passed by learned Sub-Judge-XI, Vaishali at Hajipur in Execution Case No.01/2012 by which learned Sub-Judge-XI dismissed the objection of the petitioner against the report of the pleader commissioner.

Learned counsel for the petitioner submits that the pleader commissioner did not visit the spot and prepared the report sitting on his own table. Therefore, the report contains many factual errors with regard to lands in question. The pleader commissioner was appointed for assessing mean profit to be paid to the decree holder but from perusal of the order of the learned Sub-



Judge, I find no substance in the contention of learned counsel for the petitioner. The pleader commissioner noticed both sides, the decree holder and judgment debtor. The pleader commissioner visited the spot and prepared report in presence of learned counsel appearing on behalf of decree holder and judgment debtors.

Having considered the facts aforesaid, I do not find any illegality in the order impugned. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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