

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.10 of 2020**

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Satya Narain Singh @ Satto @ Satnarayan Ram Son of late Lakhan Ram,
Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.

... .. Defendant no.1/Petitioner
Versus

1. Sadan Kumar Sinha Son of late Lalita Prasad, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
2. Asha Sinha, Wife of Sadan Kumar Sinha, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
3. Sandeep Kumar Sinha, Son of Sri Sadan Kumar Sinha, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
4. Saurav Kumar Sinha, Son of Sri Sadan Kumar Sinha, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.

..... Plaintiffs/Respondents

5. Navin Kumar Singh, Son of Satya Narain Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
6. Shekhar Singh@ Lal Mohan Singh, Son of Satya Narain Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
7. Chandan Kumar, Son of Satya Narain Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.

.... Defendants/Respondents 1st Party

8. Baudhi Devi, Widow of late Indradeo Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
9. Shankar Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
10. Parmod Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
11. Manoj Singh, Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.

.... Defendants/Respondents IInd Party

12. Madan Mohan Pd. Sinha, Son of late Lalita Pd. Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
13. Gagan Kumar Singh, Son of late Lalita Pd. Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.
14. Yogendra Kumar Singh, Son of late Lalita Pd. Resident of Village- Papraur, Police Station- Barauni, District- Begusarai.

..... Defendants/Respondents IIIrd Party



15. Sri Kailash Pd. Singh, Son of late Ram Sharan Pd. Advocate, Civil Court, Begusarai.

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Khalid Ahsan, Advocate.

For the Respondent/s:

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 24-01-2020

The present application has been filed *“for setting aside the order dated 23.08.2019 in T.S. No. 348 of 2010 passed by the learned Sub Judge II, Begusarai whereby and whereunder the objection petition dated 17.09.2013 filed on behalf of the defendants praying therein to reject/set aside the report dated 17.03.2013 of Sri Kaish Pd. Singh, Advocate Commissioner on the grounds mentioned in the objection petition, has been rejected.”*

2. Learned counsel for the defendant no.1/petitioner submits that the learned Court below has failed to appreciate that the survey knowing pleader commissioner, while stating in his report that the defendants has dispossessed the plaintiffs from an area of 5 *dhurs* in *Khesra* No. 350, had not measured nor specified the portion of *Khesra* no. 350 from which the defendants are said to have dispossessed the plaintiffs.

3. Having heard learned counsel for the defendant no.1/petitioner and on consideration of the materials on record and in particular the report of the survey knowing pleader



commissioner , this Court is not inclined to interfere in the matter. There is a clear statement in the survey knowing pleader commissioner’s report that in the presence of the parties and learned lawyers, the entire details of the spot was taken in measurement and a rough sketch-cum-filed book was prepared under the signatures forming part of the report.

4. The petition is accordingly disposed of with the observation that the defendant no. 1/petitioner would be at liberty to invoke the provisions of Order XXVI Rule 10(2) of the Civil Procedure Code, if so advised by making an appropriate prayer before the learned Court below for consideration in accordance with law.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.01.2020
Transmission Date	N.A.

