

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.857 of 2018

Kamleshwar Pd. Singh, Son of Late Harivansh Narain Singh Resident of
Village Kuwanli Ram, P.S.- Bangara, District- Samastipur.

... .. Petitioner/s

Versus

1. Shashishekhar Pd. Singh Son of Late Harivansh Narain Singh, Resident of
Village Kuwanli Ram, P.S.- Bangara, District- Samastipur.
2. Arun Kumar Singh, Son of Late Harivansh Narain Singh, Resident of
Village Kuwauli Ram, P.S.- Bangara, District- Samastipur.
3. Kapileshwar Prasad Singh, Resident of Village Kuwauli Ram, P.S.- Bangara,
District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2022 Heard Mr. Devendra Kumar, learned counsel for the
petitioner.

The petitioner is aggrieved by the order dated
02.04.2018 passed in F.D. Case No. 314 / 2001 by which the
objection filed by the petitioner-defendant no.1 upon the report
of the Survey Knowing Pleader Commissioner in the
proceedings of final decree has been rejected.

Learned counsel for the petitioner submits that
learned Survey Knowing Pleader Commissioner did not visit the
spot for verification and did not issue any notice to the
petitioner prior to the preparation of the report and he prepared
the report sitting in his chamber or drawing room. He next



submits that no opportunity has been given to the petitioner by the Survey Knowing Pleader Commissioner before preparation of the report.

From perusal of the impugned order it appears that the plaintiff has filed rejoinder to the objection filed by the petitioner-defendant no.1 and has stated that interest of all the parties as per share allotted in the preliminary decree has been taken care of by the Survey Knowing Advocate Commissioner. The report of the Survey Knowing Pleader Commissioner is at Annexure-3 to the present application and from perusal of the same it appears that share of the petitioner as well as other co-sharers has been carved out and the Survey Knowing Pleader Commissioner has prepared a map showing different colours in the map for identification of the shares allotted to the respective parties. Learned trial court after having considered the objection petition of the petitioner has come to the finding that the petitioner/defendant no. 1 has not pointed out any specific error in the report and only general objection has been taken by the petitioner.

Regard being had to the submissions made by the petitioner and after having gone through the material on record and the impugned order, I am satisfied that no specific error has



been pointed out in the report of the Survey Knowing Pleader Commissioner and from the report it appears that separate share has been allotted to the petitioner.

I do not find any merit in this application.

Accordingly this civil miscellaneous application is dismissed.

(Anil Kumar Sinha, J)

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