

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1016 of 2018**

=====

Murlidhar Singh S/o Late Ram Bahadur Singh Resident of Village - Gangour,
P.S. District - Khagaria.

... .. Petitioner/s

Versus

Chandrabir Singh @ Doman Singh Son of Late Yadunandan Singh Resident
of Village - Gangour, P.S. District - Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi, Adv.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-09-2022 Heard learned counsel for the petitioner.

2. Petitioner, who is defendant in a suit filed by respondent/plaintiff for declaration of title and for restoration of possession upon the suit land described in Schedule-A, is aggrieved by the order dated 10.04.2018 passed in Title Suit No. 26/2007 whereby the petition filed by the petitioner for appointment of Survey Knowing Pleader Commissioner has been rejected.

3. Learned counsel for the petitioner submits that the boundary of the suit land described in Schedule-A of the plaint is boundary of plot no. 2310 or plot no. 2153 is the question which is primarily to be decided in the suit. The plot no. 2153 has been purchased by the petitioner/defendant by way of registered sale deed dated 27.11.2000 having the boundary of



plot no. 2310 belonging to the respondent/plaintiff. As such, the Survey Knowing Pleader Commissioner is required to be appointed in order to ascertain the correct boundary position after physical measurement.

4. From perusal of the impugned order and material on record, it appears that earlier by order dated 24.09.2013 the objection to the report submitted by Survey Knowing Pleader Commissioner filed by the petitioner/defendant no. 1 was rejected and the challenge made by the petitioner before this Court against the order dated 24.09.2013 was also rejected *vide* order dated 30.11.2017 passed in CWJC No. 23873/2013. It also appears from the impugned order that earlier one Nageshwar Prasad, was appointed as Advocate Commissioner on the petition filed by the plaintiff and on an application filed by the defendant/petitioner, one Ajay Kumar was appointed as Advocate Commissioner.

5. Accordingly, I do not find any merit in this case and the same is rejected.

(Anil Kumar Sinha, J)

perwez

U			
---	--	--	--

