

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1064 of 2018

Sampat Kumar Singh @ Sampat Singh Son of Late Nand Gopal Singh,
Resident of Vilalge- Pachaina, Police Station- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. Kamlesh Singh Son of Late Bineshwari Singh, Resident of Village- Pachaina, Police Station- Koilwar, District- Bhojpur.
2. Dev Kumar Singh Son of Late Nand Gopal Singh.
3. Pawan Kumar Singh, Son of Late Nand Gopal Singh.
4. Bhagirath Singh, Son of Late Nand Gopal Singh.
5. Rana Manoj Singh, Son of Late Ram Kumar Singh.
6. Sudhir Singh, Son of Late Ram Kumar Singh. 2 to 6 are resident of Village Pachaina, Police Station Koilwar, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-08-2022 Heard Mr. Gopal Govind Mishra for the petitioner.

2. Learned counsel for the petitioner confines his prayer for challenging the order dated 18.04.2018.

3. Petitioner is aggrieved by order dated 18.04.2018 by which the learned court refused to record satisfaction over the report of the Survey Knowing Pleader Commissioner at this stage of the suit. The suit has been filed by the respondents/plaintiffs for removal of the encroachment from the land as described in the schedule of the plaint.

4. The Survey Knowing Pleader Commissioner was appointed on the nomination of learned District Judge who submitted his report under Order 26 Rule 10A and the defendant/petitioner filed his objection upon the report. The



Survey Knowing Pleader Commissioner was examined in the open court on the point of discrepancy in the report. However, the court had earlier passed an order that satisfaction over the Commissioner's report will be considered at the time of final stage of the judgment.

5. By the impugned order dated 18.04.2018, learned Munsif-III, Bhojpur at Ara while rejecting the petition dated 25.05.2017 has come to the conclusion that there is no reason to interfere with the order passed by the trial court on 10.09.2013 with regard to the satisfaction with the Commissioner's report to be considered at the time of final stage of the judgment.

6. In view of the fact that the court has not outrightly rejected the objection of the petitioner and has passed the order that the satisfaction of the Commissioner's report shall be considered at the time of final stage of the judgment, I do not find any merit in this application filed by the petitioner.

7. Petition stands rejected.

(Anil Kumar Sinha, J)

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