

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.341 of 2021**

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Ramakant Prasad S/o Late Shivji Prasad, R/o Sarkar Bazar, P.S. - Ramgad-
hwa, East Champaran.

... .. Petitioner

Versus

Ali Ahmad Ansari, S/o Late Habib Ansari @ Habib Miya, R/o Chotki Pakha-
nia, P.S. - Palnawa, East Champaran.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Respondent/s : Mr.Pravin Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-02-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner as well as
learned counsel for the respondent.

The plaintiff/respondent has filed a Title Suit No. 587 of
2009, claiming his title and possession over the land in dispute. The
defendants/petitioners appeared and filed their written statement
claiming their title and possession over the disputed land. During
pendency of the suit a petition for appointment of pleader commis-
sioner was filed in the year 2017 by the defendants/petitioners for as-
certaining whether the houses on the disputed land were rented or
not. That petition was rejected by order dated 30.06.2017 by the
learned court below. A review petition was filed on behalf of the de-
fendants against the order dated 30.06.2017. The order dated
30.06.2017 was reviewed and again it was fixed for final hearing. Ul-



timately vide order dated 25.03.2021, the learned trial court has rejected the petition for appointment of pleader commissioner. The learned trial court in its order dated 25.03.2021 has mentioned that it is the duty of the plaintiff to prove his case and burden shifted upon his shoulder to prove his title and possession. He has also mentioned that even if that appointment of pleader commissioner is allowed it will not help the plaintiff or defendants in ascertaining their title and possession and considering these things the learned trial court has rejected the petition for appointment of pleader commissioner.

The impugned order is well-reasoned and I do not think any reason to interfere with the order.

Accordingly, the petition is dismissed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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