

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.832 of 2022

Shyam Sundar Thakur S/o Late Jai Narayan, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Darbhanga.
2. Jaimangal Thakur, s/o Ram Charittar Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
3. Shatrughan Thakur, S/o Ram Charittar Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
4. Madan Thakur, S/o Bramhdev Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
5. Murli Thakur, S/o Bramhdev Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
6. Santosh Thakur, S/o Ram Ashish Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
7. Arvind Kumar Thakur, S/o Shyam Sundar Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
8. Amarnath Thakur, S/o Shyam Sundar Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
9. Manish Thakur, S/o Shyam Sundar Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
10. Rajnish Thakur, S/o Madan Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.
11. Rupesh Thakur, S/o Murli Thakur, resident of Village-Hanuman Nagar, P.S.-Singhwara, District-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Kumar
For the Respondent/s : Mr. Ajay Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2022 The petitioner is aggrieved by the order, dated 26.08.2022, passed in Pattibandi Case No. 01 of 2013, whereby the petition filed by the petitioner-judgment debtor, dated 15.06.2022, raising objection on the report of the Pleader



Commissioner has been rejected by learned Munsif-I, Darbhanga.

Learned Counsel for the petitioner submits that the petitioner, who is the judgment debtor, was not given any notice by the Pleader Commissioner in Pattibandi Case No. 01 of 2013. He further submits that the petitioner was also not given any opportunity to file objection on the report of the Pleader Commissioner, and without considering the petition, dated 15.06.2022, the learned Court below has rejected the same.

I have heard learned Counsel for the parties and have gone through the materials on record, including the impugned order.

It transpires that Partition Suit No. 124 of 1989 was decided and the preliminary decree was passed. A Pleader Commissioner, namely, Ms. Manju Kumari, was appointed previously and upon the objection raised the judgment holder, the Pleader Commissioner was changed and again one Birendra Kumar Roy was appointed as Survey-Knowing Pleader Commissioner in the final decree proceeding. It appears from the impugned order that the petitioner-judgment debtor filed the objection after acceptance of report of the Pleader Commissioner by the learned Court below on 18.04.2022. Only



ministerial act for preparation of final decree was to be done pursuant thereto. The learned Court below has also come to the conclusion that the petitioner-judgment debtor was absent in this case on several dates and no objection on the report of the Pleader Commissioner was raised prior to its acceptance by the petitioner-judgment debtor. The learned Court below has also come to the conclusion that the notice was sent by the new Pleader Commissioner to the petitioner before the site inspection and measurement.

In view of the fact that the report of the Pleader Commissioner has already been accepted in the final decree proceeding, I do not find any reason to interfere with the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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