

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.33 of 2020

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Harishankar Ram S/o Yadu Ram Resident of Village- Jagdishpur, P.S.-
Shishwan, District- Siwan.

... .. Petitioner/s

Versus

Mohd. Leyaquat Ali S/o Resident of Village- Jagdishpur, P.S.-
Shishwan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-06-2022 Heard learned counsel for the petitioner.

The petitioner has challenged the impugned order by which the objection of the petitioner upon the Pleader Commissioner report has been rejected. The suit has been filed by the petitioner-plaintiff for declaration of title over the suit land.

Learned counsel for the petitioner submits that the learned court below while rejecting the objection of the petitioner upon the Pleaders Commissioner's report, failed to appreciate that the report of the Pleader Commissioner is without jurisdiction inasmuch as the Pleader Commissioner has submitted his report, by which, the learned Commissioner has sought to bring evidence on record.

From perusal of the impugned order, it appears that



the learned court below has come to the conclusion that the Pleader Commissioner was not appointed to collect the evidence but, he was appointed for the purpose of ascertaining the structures standing on the disputed land and the nature of disputed land.

After having gone through the impugned order, I find no merit in this application. The learned court below has not committed any material irregularity in exercise of its jurisdiction.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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