

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1734 of 2018**

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Ramesh Jha, son of Late Shivan Jha, resident of Village- Chaugama, P.O. and P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. Rajeev Kant Jha, son of Late Hem Chandra Jha @ Chun Chun Jha,
2. Vijay Kant Jha, son of Late Hari Kant Jha, Both are resident of Village- Chaugama, P.O. and P.S.- Bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner.

This Civil Misc. application has been filed against the order dated 25.04.2018 passed by learned Sub Judge-Ist, Benipur (Darbhanga) in Title Suit No. 32 of 2017 whereby and whereunder the learned Court below rejected the petition dated 11.09.2017 filed by the petitioner under Order-XXXIX, Rules-1 & 2 and Section 151 of the Code of Civil Procedure, 1908 for grant of injunction over the land in question.

Learned counsel for the petitioner submits that the petitioner has to file appropriate application before the learned trial Court for appointment of Advocate Commissioner for local inspection of suit property. He has further submitted that this Civil Misc. application may be disposed of with liberty to the



petitioner for filing the appropriate application before the Court concerned for appointment of Advocate Commissioner.

In view of the submission of the learned counsel for the petitioner, this case is disposed of with liberty as prayed for.

It is clarified that on filing of such application, the learned Court below shall decide the same on its own merit in accordance with law without prejudice to the impugned order dated 25.04.2018.

(Sunil Dutta Mishra, J)

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