

**In the Court of Sri Anurag, Civil Judge (Jr. Div.), Banmankhi,  
Purnea**

**Title Suit No. 10/2022**

**Sanjay Rishi & others ..... Plaintiffs**

**Versus**

**Anil Kumar Sah & others ..... Defendants**

**24.07.2025:** Attendance has been filed on behalf of plaintiffs and defendants. The case record is put up for order on petition of plaintiffs U/O- 26, Rule – 9 of CPC dated 13.06.2025. Rejoinder has not been filed by the defendants on the said petition.

Heard the Ld. Counsel for both the parties and perused the case record. As has been stated in the said petition and accompanying affidavit, the plaintiff has stated that the plaintiff filed this suit for declaration that plaintiffs have got valid right, title and interest over the suit land and defendant has no manner of right, title and interest in his favour over the suit land. The petitioner has further stated that the suit land originally belong to Hiya Mushar, S/o – Badar Mushar vide C.S. Khatiyani published in 1903 of Mouza – Rampur Tilak C.S. Khata No. 103 and 204 an area 3.89 decimal now recorded in R.S. Khatiyani as R.S. Khata No. 62, 425 with several plots an area 3.89 decimal. The petitioner has further stated that since the time of Hiya Mushar said suit land is in peaceful possession of Hiya Mushar and his heirs to today plaintiff are heirs of Hiya Mushar. The petitioner has further stated that after disturbance by the defendant possession of plaintiff these plaintiffs filed this suit and this suit pending for issue frame by this court. The petitioner has further stated that the defendant of this suit filed a interim injunction petition in this for inject the plaintiff from suit land. The petitioner has further stated that after perusal of injunction petition of defendants, plaintiffs found that before hearing on injunction petition, it is necessary to inquiry report of suit land by the pleader commissioner for this suit for physical status of suit land. It has therefore been prayed by the Ld. Counsel of the petitioner that the court may be pleased to allow the said petition and appoint a pleader commissioner for the ends of justice.

The defendants has not filed any rejoinder and has orally raised objection regarding the petition of plaintiff U/O 26, Rule – 9 of CPC, dated 13.06.2025. The defendants have therefore prayed before this court that the petition of the plaintiff be rejected for the ends of justice.

In the Court of Sri Anurag, Civil Judge (Jr. Div.), Banmankhi, Purnea  
Title Suit No. 10/2022  
Sanjay Rishi & others ..... Plaintiffs  
Versus  
Anil Kumar Sah & others ..... Defendants

Continued

24.07.2025

As is evident from the aforesaid stands of the parties, both the parties claims to be in peaceful possession of the suit land which is contrary to each other. The matter is required to be elucidated by appointing an advocate commissioner.


Sri.. Bipin Kr. Poddan....., advocate is appointed as the advocate commissioner to visit the suit land after giving in writing notice to both the parties or their advocates regarding date and time of his visit for the commission work to the suit land. Both the parties are directed to appear before the commissioner accordingly. The pleader commissioner is directed to submit his report as to his visit and local investigation regarding the physical feature of the suit land within 15 days of the issuance of the commission letter.

The plaintiffs are directed to deposit a sum of Rs. 1500/- provisionally in the court as the commissioner's fees.

O/C is directed to issue commission letter accordingly to the court commissioner.

Put up on ..... 13.08.25 ..... for further proceeding.

Dictated

  
(Anurag)  
Civil Judge (Jr. Div.)  
Banmankhi

13.08.25 30/22 0.71 A