

(2004) 01 PAT CK 0085
In the Patna High Court
Case No : C.R. No. 287 of 2003

Smt. Savitri Devi and Others

APPELLANT

Vs

Smt. Sushila Devi

RESPONDENT

Date of Decision : 05-01-2004

Acts Referred:

Citation : (2004) 2 PLJR 404

Hon'ble Judges : Nagendra Rai, J

Bench : Single Bench

Judgement

Nagendra Rai, J.—The judgment debtors are Petitioners against the order passed by the Court below for appointing Pleader Commissioner for the purpose to report as to whether the delivery of possession over 1 katha and 6 dhur of land as per decree has been given or not. From the conclusion of the Court, it appears that the Court has given the order in terms of the decree. The Court below has observed that the possession has been delivered in terms of the decree.

2. In that view of the matter, unless the Court prima facie comes to a finding that the possession has not been delivered in terms of the decree there was no occasion for appointment of Pleader Commissioner, accordingly, the impugned order is set aside. It will be open for the Court below to proceed further in terms of the observation made above.