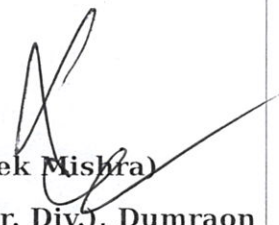


IN THE COURT OF CIVIL JUDGE (Jr. Div.), DUMRAON
Present:- Prateek Mishra, Civil Judge (Jr. Div.), Dumraon.
Title Suit No. - 289/2022

Date of Order	Order with initials of the Court	Remarks
20.01.2026	Case is listed ^{today} today for order on petition dated 05.01.2026 under Order 26 Rule 9 of plaintiff. State has filed objection on it. State has filed objection 06.01.2026. Hearing concluded. On perusal of petition, it is noted that plaintiff has filed this suit for rectification in survey. It is pleaded that plaintiff ancestral land situated in old Khata 173 old khesra 1109 area 66 dismil. Two new plots carved out from that and new khata 552 new khesra 160 area 39 dismil recorded in the name of State as pathway. The present land under dispute is under possession of the plaintiff and cultivated by him. For due disposal of the suit appointment of Local Commissioner is necessary for determining present status of land under dispute. Prayer has been made for appointment of Local Commissioner for said purpose. The State has objected upon on the ground that petition is not maintainable by law and filed with intention of causing delay. Petition has been filed with delay and wrong factual propositions. Main objection is that no Local Commissioner can be appointed for purpose of collection of evidence. Suit is pending at the stage of plaintiff evidence but instead of adducing evidence, this petition has been filled for causing delay and disposal of the suit. Heard the parties and perused the records. It is noted that this suit is filed <i>inter-alia</i> for the purpose of declaration of title. <u>Apparently, this petition has been filed for purpose of collection of evidence but status of land needs to be placed before the Court specifically in the light of written statement of Mukhiya who has</u>	

admitted the claim of plaintiff. Whereas Circle Officer, Simri has denied the claim of plaintiff. Therefore, same is maintainable under law. Hence, same is allowed under contest without cost. Advocate Shailosh Upadhyay, esq. is hereby appointed as Local Commissioner for the purpose of submitting report. As per prevalent practice, Rs. 2000/- is determined as fees of Local Commissioner.

List on 27-02-2026 for plaintiff evidence.


(Prateek Mishra)

Civil Judge (Jr. Div.), Dumraon