

In the Court of Sukul Ram, Sub-Judge-I Cum ACJM, Narkatiaganj

Title Suit No. 91/2023

Ranjana Kumari alias Ranjana Gupta.....Plaintiff

V/S

Sunil Mahto & others.....Defendants

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
29.07.2025	<p>Both parties file their attendances. A petition dated 30-11-2023 has been filed on behalf of the Plaintiff under order 26 rule 9 of CPC which is presented for order today on 29.07.2025.</p> <p>Learned counsel of the Plaintiff prayed that the Plaintiff has filed this suit for declaration of her right, title and possession over the suit land along with subsequent relief. The suit has fix for appearance of defendants and summons have been issued. Now a days, after knowledge of this suit knowingly the defendant 1st party who are muscle man, with collusion and help of anti social bad aliment, collecting pucca building material over and near the suit land and forcefully adment to change the nature, shape and identity of the suit land by making pucca construction over the suit land. Hence this petition, the present status of the suit land come before the court is necessary for adjudication of the suit. The Plaintiff is ready to pay the fees of advocate commissioner which the court may fix. This petition is supported with affidavit. It is therefore, prayed that your honour may be pleased enough to allow this petition in the interest of justice.</p> <p><u>To be inspected</u></p> <p>(1) What is the present status and nature of the suit land?</p> <p>(2) Is there any building materials collected over the suit land?</p>	

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<p>Continue 29.07.2025</p>	<p>(3) Is there making pucca construction over the suit land?</p> <p>No rejoinder has been filed by the defendants but the petition of the Plaintiff dated 30-11-2023 was orally opposed.</p> <p>Heard the Learned council of both parties and perused the record. From perusal of the record it appears that the record has been fixed for order on the petition dated 30.11.2023 under order 26 rule 09 of the Plaintiff. Plaintiff prayed to appoint an advocate commissioner and stated that the suit is fix for appearance of defendants and summons have been issued. Now a days, after knowledge of this suit knowingly the defendant 1st party who are muscle man, with collusion and help of anti social bad alimnt, collecting pucca building material over and near the suit land and forcefully adment to change the nature, shape and identity of the suit land by making pucca construction over the suit land. The present status of the suit land come before the court is necessary for adjudication of the suit. It is a well-established law that during the pendency of the suit, the court is the guardian of the disputed land and the work of the court is to protect the disputed land during the pendency of the suit. Therefore, the application of the Plaintiff dated 30.11.2023 is hereby allowed. Accordingly, Mr. Navin Pandey, a local learned advocate of the Civil Court, Narkatiaganj is appointed as</p>	
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<p>Continue 29.07.2025</p>	<p>Advocate Commissioner and he is ordered to submit a report with photographs on the facts mentioned in the application regarding the actual condition of the disputed land. The expenditure incurred for the appointment of Advocate Commissioner of Rs. 2500/- will be borne by the Plaintiff.</p> <p>Put up on 16-09-2025 for further proceeding.</p> <p>Dictated</p> <p>Sub-Judge-I Narkatiaganj</p>	
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