

Order below Ex.51 in H.R.P. Suit No.1 Of 2014**Coram: Chirayu S. Adhyaru, Judge.**

1. The defendant in this matter has moved this application for carrying out commission work of the demised premises. The plaintiff has not filed his reply but has directly argued the matter and stated that the demised premises is now no more in existence and in view of this position, this application deserves to be rejected.

2. The Learned Advocate for the defendant has argued that the defendant has trying to bring the situation prevailing on the disputed site and if the same is brought on record, the same will be helpful in deciding the real dispute between the parties. That from the records and proceedings of the case, it is clear that the matter is proceeded, till 01/04/2015, as exparte against the defendant. The plaintiff has also filed his evidence and the matter is kept for hearing the arguments of Learned Advocate for the plaintiff, but during the period, the defendant appeared and filed this application, with an application for interim relief.

3. Considering the dispute between the parties and when it is admitted by both the parties that the demised premises is not in existence but, at the same time when the defendant has also moved for interim relief, this application deserves

to be allowed hence, following order:-

ORDER

1. The application vide Exh.51 is hereby allowed.
2. Mr._____ is hereby appointed as Court Commissioner to carry out the court commission work at the disputed site and he is directed to produce his report, on or before 20/04/2015. The defendant is hereby directed to deposit Rs.1500/- as remuneration of the Court Commissioner. Commission patra be issued on payment of process fee and depositing of amount of remuneration. Court Commissioner is directed to produce type copy of his report alongwith the handwritten.

Pronounced in the open Court today i.e.7th day of April, 2015.

Date : 07.04.2015	(Chirayu Sanatkumar Adhyaru)
Place : Ahmedabad	Judge
	UIC No.GJ00707
	Small Cause Court No.3
	Ahmedabad.