

GJMR060001252018



Principal Senior Civil Judge, Halvad.

Special Civil Suit No. :- 18/2018

Order below Exhibit :-128

- [1] The plaintiff has filed this application under Order-XXVI, Rule-9 of the Civil Procedure Code, 1908 and prayed for appointment of Commissioner for preparation of panchanama and map of the disputed property.
- [2] Read the application and perused the R & P. Notice has been duly served upon the defendant/s. The defendants remained present before this Court through their learned Advocate. The learned Advocate for the defendants have raised objection if the present application is allowed. The learned Advocates for both parties are present. Considered the provisions of Order XXVI Rule 9 of the Code of Civil Procedure, 1908. Perused the entire record.
- [3] The plaintiff-side has prayed for preparation of panch rojkam and map of the disputed property. If the panchanama is prepared by appointing Court Commissioner, it would elucidate the current facts related to the dispute; and also enable this court to understand properly and clearly; and assess the point in issue. Further if the panchnama is prepared, it shall not prejudice to the parties to the suit as the panchanama is prepared in the presence of two independent panchas and after due notice to the parties to the suit and the admissibility of the facts collected through preparation of panchanama shall be as per established law.
- [4] Under these circumstances, this court is of the clear view that if the Court Commissioner is appointed for preparation of panchanama and Map, it shall meet with the ends of justice. Hence, the following final order is passed.

-:: O R D E R ::-

- (a) Shri S D Vaghela, Assistant, Principal Senior Civil Court Halvad at Halvad is hereby appointed as Court Commissioner under Order 26, Rule 9 of the Code of Civil Procedure, 1908.
- (b) The Court Commissioner is directed to prepare panchanama and Map of the disputed property after due service of written notice to the concerned parties to the suit and in the presence of two independent panchas.
- (c) The Commissioner is further directed to submit the report on or before **25/09/2025** to this court.
- (d) The Plaintiff is hereby ordered to deposit the amount of **Rs. 3,000/- (Rupees Three Thousand Only)** towards the remuneration of the Court Commissioner.
- (e) Commissioner-Patra be issued along with copy of relevant papers on depositing the expenses.

Pronounced in the open court today, on this 18th day of September, 2025

Dated: 18.09.2025

Halvad.

(Nimisha Gangarambhai Surati)
Principal Senior Civil Judge,
Halvad.,
(GJ-00711)