

ORDER ON IA NO-4 FILED UNDER ORDER 26 RULE 9 OF  
CPC.

1.	Provision under which the application is filed	Order 26 Rule 9 of CPC
2.	Relief sought for	Appointment of court commissioner
3.	The date on which the application is filed	30-01-2026
4.	Number of the application	I.A.No-4
5.	The date on which the objections are filed by different opponents	13-03-2026.
6.	The date on which the orders were passed on the said application	10-04-2026.

The plaintiffs have filed the present application for appointment of court commissioner in the form of Surveyor of the Afzalpur ADLR Office for survey of the suit properties.

2. The plaintiffs have contended that, the plaintiffs have filed the suit for the relief of declaration and injunction against the defendants. The defendants are trying to encroach over the land of the plaintiffs. The court commissioner appointment is necessary to verify the possession of the land and existence of path way. On the said material grounds the plaintiffs have prayed for allowing the present application.

3. The defendants have filed their objections to the present application by denying the grounds of the application. They have contended that, the plaintiffs have filed the present application in order to delay the matter. There is no any need of appointment of court commissioner in the present matter. The plaintiffs have to prove their case. On the said material

grounds the defendants have prayed for rejection of the present application.

4. Heard the arguments.

5. Perused the records the plaintiffs have filed the present suit for the relief of declaration of their ownership and permanent injunction against the defendants. The plaintiffs have contended that, the plaintiffs are the owners and in possession of the suit properties. The defendant no-1 has only appeared and filed his written statement by denying the case of the plaintiffs. The defendant no-1 claimed that he is the owner of the survey number 23/1/7 measuring 2 acre of land. The said property is not the suit property. The plaintiffs have filed the present application at the stage of further chief of Pw-1. Hence on considering the nature of the suit and nature of the dispute between the parties I am of the opinion that at this stage the plaintiffs have not made out grounds for

appointing the court commissioner for survey of the suit properties. The materials on record at this stage do not show any necessity for appointment of court commissioner as prayed. Hence I am of the opinion that the present application is required to be rejected.

Hence, the I.A.No-4 filed by the plaintiffs is hereby rejected.

For further chief of Pw-1 if any By:

Senior Civil Judge and JMFC,

Afzalpur.