

ORDER ON I.A.NO-4 FILED UNDERSECTION 151 OF CPC.

1.	Provision under which the application is filed	Section 151 of CPC
2.	Relief sought for	Re-call of order dated 17-11-2025
3.	The date on which the application is filed	06-12-2025
4.	Number of the application	I.A.No-4
5.	The date on which the objections are filed by different opponents	14-01-2026.
6.	The date on which the orders were passed on the said application	27-01-2026.

The advocate for the appellant has filed the present application for recall of order dated 17-11-2025 and for passing an order on the application under order 26 Rule 9 of CPC.

2. The advocate for the appellant has contended that, the appellant has filed the application under order 26 Rule 9 of CPC for appointment of court commissioner. The trial court has rejected the said application. The appellant has filed the said application before this court also. This court has ordered for taking up the said application along with the appeal and the same is not correct. It is duty of the court to pass orders on merits of the application. The taking up the interim application for appointment of court commissioner with the main appeal is not permissible. The application filed by the appellant for appointment of court commissioner is required to be heard again and necessary orders is required to be passed on the said application. The entire case of the appellant is depending on the report of the commissioner. The sale deed of the appellant was held to be not legal one. The appellant is losing his rights based on the observations of the trial court. On the said material grounds the advocate of the appellant has prayed for allowing the present application.

3. The advocate for the respondent filed objections to the present application by denying the grounds of the application. The advocate for the respondent has contended that, the application is already ordered to be taken up along with the main appeal. The said order cannot be taken away by the appellant by filing the present application. The earlier order passed by this court cannot be recalled by this court. The appellant is directing the court against the provision of Section 151 of CPC. The similar application is already rejected by the trial court. On the said material grounds the advocate for the respondent No-1 and 2 prayed for rejection of the present application.

4. Heard the arguments.

5. Perused the records, this court after hearing both the side on IA No-3 filed by the appellant has ordered that, the IA No-3 filed by the appellant under Order 26 Rule 9 of CPC is required to be taken up along with the main appeal. This

court has found that, in order to form an opinion regarding necessity of appointment of court commissioner the hearing of the appeal on merits is necessary in the present case. Hence, considering the materials on record I do not find any grounds made out by the appellant for recall of the order dated 17-11-2025. Hence, the present application is required to be rejected.

Hence, IA No-4 filed by the advocate for the appellant is hereby rejected.

For arguments on merits.

Senior Civil Judge and JMFC,
Afzalpur.