

### **Orders on I.A.No.II**

The plaintiff has filed I.A.No.II under Order XXVI Rule 9 R/w/Section 151 of CPC and prays for appointment of court commissioner as mentioned in the memo for the purpose of local investigation i.e., to measure the property and to submit sketch along with report.

**2.** In support of the I.A.No.II, the plaintiff has sworn to an affidavit stating that, she has filed this suit against the defendants for the relief of declaration, possession and perpetual injunction. It is just and necessary to appoint a court commissioner to elucidate the matter in dispute. In order to establish the illegal acts of the defendants, the measurement of the suit property is necessary. Accordingly, the plaintiff prays for allow I.A.No.II.

**3.** Heard and perused.

**4.** The defendants are placed as ex-parte. It is the case of the plaintiff that, defendant No.3 to 8 have encroached the portion of suit schedule property. In this suit, the plaintiff has claimed the relief of declaration and possession alleging that, defendant No.3 to 8 have encroached the portion of suit property. In such circumstances, the best evidence could be obtained only by appointing the court commissioner. Hence, if court commissioner is

appointed to measure the suit schedule property and to ascertain encroachment if any, no prejudice will be caused to the defendants. In fact, the sketch and report of court commissioner would enable the court for the purpose of throwing more light to arrive at a fair decision. Hence, I proceed to pass the following:-

**ORDER**

I.A.No.II filed by the plaintiff u/Order XXVI Rule 9 R/w/Section 151 of C.P.C. is hereby **allowed**.

ADLR, Nanjanagudu is appointed as court commissioner to make local investigation i.e., to measure the suit property and to find out encroachment if any, over the suit property.

The court commissioner is directed to submit a neat sketch along with his report.

The court commissioner fee is fixed at Rs.2,000/- tentatively.

The plaintiff has to deposit commissioner's fee of Rs.2,000/- within a week and to pay process fee.

I Addl. Civil Judge & JMFC,  
Nanjanagudu