

ORDERS ON I A No. III

The present application is filed by plaintiff U/o 26 rule 9 r/w 151 of CPC with prayed to appoint Taluka Surveyor as Commissioner to make the inspection and survey of the suit schedule property.

It is to be noted the defendants are exparte. Hence heard the counsel for plaintiff and perused the materials on record.

In the affidavit annexed present application it is stated by plaintiff that defendants encroached over the suit property as per sketch marked as A,B,C,D. Thus plaintiff is seeking to appoint the court commissioner.

It is relevant to note that the defendants are exparte, and even the plaintiff is seeking relief of declaration and also recovery of possession of properly marked as A,B,C,D, which is alleged to be encroached by the defendants. As defendants are exparte and said allegations of encroachment has to be established by plaintiff. Thus the appointment of commissioner is necessary therefore, the grounds are made out to allow the present application. Hence this court proceed to pass following order :-

ORDER

I A No.III filed by plaintiff U/o 26 rule 9 R/w section 151 of CPC is hereby allowed. The Taluka Surveyor is appointed as Court commissioner to survey the suit property.

The court commissioner fee of Rs.4,000/- is fixed tentatively.

For filing memo of instruction.

Call on 10.07.2023.

II Addl Civil Judge and JMFC.,
Shikaripura.