

ORDER BELOW EXH. 17

1. Perused record. Heard both the sides.
2. As per plaintiff, the property bearing Survey No. 92/1/1, is government *Akaripad* land and in cultivation possession of various persons. The portion admeasuring 0.84.00 H.R., out of total area 5.73.04 H.R., is in his possession. The process of regularizing it, in his name is going on with government, but for some reason stayed by it. Defendant is trying to obstruct his possession over the said portion, he filed the present suit. He filed the present application in it for appointment of commissioner stating that the defendant cut the tree in it, therefore, actual situation at the spot needs to be brought on record.
3. The reason assigned is not enough to appoint commissioner if we taken into account the nature of suit and relief sought in it. The suit is for simplicitor injunction on the ground of possession. Appointing such commission will definitely result in collection of evidence. There appears no nexus between appointment of commissioner and the fact that such appointment will in anyway benefit to the court for the effective adjudication of the matter, hence, following order -

ORDER

Application is rejected.

Sd/-

KUDAL

(KOMALSING RAJPUT)

DATE – 06 /01 /2017

C.J.J.D., KUDAL, DIST. SINDHUDURG