

ORDER BELOW EXH. 25

- 1) This is an application filed by plaintiff under Order 26 Rule 9 of the C.P.C., for appointing Court Commissioner to measure suit property and to fix boundaries of the suit property. It is mention in the application that, report of Court Commissioner is necessary for just decision of the case, therefore, Court commissioner should be appointed.
- 2) Defendants have filed their say on Exh. 27 and denied the all contents of the application. They submitted that present application is filed in order to collect the evidence. Therefore, present application deserved to be rejected.
- 3) Perused the record. Heard Ld. Advocate for the defendant. Ld. Advocate for plaintiff remain absent on repeated calls.
- 4) Plaintiff has filed present suit for permanent and mandatory injunction and for measurement of suit properties through T.I.L.R., and for fixation of boundaries. By way of present application plaintiff has sought same reliefs. If present application is allowed it will amount to partial decree of suit at this premature stage, which is not permissible. Therefore, Court commission cannot be granted. Hence, I pass the following order.

O R D E R

1. Application Exh. 25 is rejected.
2. Parties to bear their own cost.

Date : 03-10-2022

(M.V.Bhagwat)
6th Jt Civil Judge J.D.
Karad.