

IN THE COURT OF MUNSIFF BUDGAM

File No. 1682/2022

CNR No. JKBG020011972022

Date of Institution:- 17-10-2022

Date of Order:- 22-10-2022

In the case of:-

Nazir Ahmad Ahangar
S/o Lt. Ghulam Ahmed Ahanger
R/o Shoolipora Tehsil & District Budgam

Plaintiff

Through Advocate Showket Ahmad

V.s

1. Mohd Yousuf Zargar
Damad i Sidiq Ahangar
2. Mst. Rehti D/o Sidiq Ahanger
3. Mudasir Ahmad S/o Mohd Yousuf Zargar
Residents of Shoolipora Tehsil & District Budgam

Defendants

Through Advocate Afaq Ali Malik

Coram: Uzma Amin UID No. JK00272

ORDER

1. Today, when the matter was taken up for regular hearing, learned counsel for plaintiff caused appearance along with the plaintiff in person. Learned counsel for defendants caused appearance and submitted objections to the interim application and argued that the defendant no.2 has already left 12ft fire gap from all sides of the construction in question which was disputed by the learned counsel for the plaintiff. Learned counsel for the plaintiff submits that the ancestors of the plaintiff and defendants herein had jointly purchased the suit property measuring 3 kanals and 19 Marlas with an

understanding that each of the party shall leave approach road for the convenience of other co-owners.

2. In the attending circumstances, this court deems it fit to appoint a commissioner suo moto. Advocate Rouf Parray is appointed as commissioner who is directed to visit the suit property and ascertain the factual position on spot. An amount of Rupees 6000/- is fixed as commissioners fee which shall be borne by equally by plaintiffs and defendants and shall be deposit with the Nazir of this court for appropriate disbursal. **In the meantime all the parties are directed to maintain status-quo with respect to the construction on spot for period of six days.** The commissioner appointed is directed to submit the report within five days time.
3. Office is directed to give copy of this order to commissioner appointed along with the copy of plaint.
4. **Put upon 28-10-2022.**

**Announced
22-10-2022**

Munsiff Budgam