



UPKJ010044512025

**In The Court of District Judge, Kannauj.**

**Presiding Officer: Narendra Kumar Jha (H.J.S.) UP02007**

**Civil Revision No. 60 of 2025**

1. Smt Rajni wife of late Harishchandra
  2. Mahendra Singh son of late Harischandra
  3. Ajeet Singh Son of Harischandra
  4. Kr. Seema Singh daughter of Harischandra
  5. Kr. Sheetal Singh daughter of Harischandra
  6. Kr. Raunak Singh daughter of late Harischandra, and
  7. Kr. Awantika Singh daughter of late Harischandra Babilayat Mahendra Singh son of late Harischandra, brother 'Guardian' (vaad mitra)
- Residents of Rampur Mazre, Gangdharapur Pargana & Tahshil & Distt. Kannauj.

**..... Revisionists/Applicants.**

**versus**

1. Ramendra Singh son of late Omkar singh, and
  2. Smt. Radha wife of Ramendra Singh.
- Residents of village Rampur Mazre, Gangdharapur Pargana & Tahshil & Distt. Kannauj.

**.....Respondents.**

**JUDGEMENT**

The present revision is directed against the order dated 07.10.2025 passed by the Court of learned Civil Judge (J.D.), Kannauj, in connection with Original Suit No. 339 of 2003 (Smt. Rajni & Ors. Vs Ramendra Singh & Ors.). By that order, the application of the original plaintiff under Order 26 Rule 9 C.P.C. was rejected.

The case of the revisionists is that a suit for permanent injunction was filed in which the plaintiff had earlier filed an application under Order 26 Rule 9 CPC for issuance of a commission. The commission was issued and the report was submitted. On that report objection was raised but later on

confirmed by the Court subject to evidence. As the revisionists were not satisfied with the said report, they filed another application for issuance of a 2nd commission, which was rejected by the Court by order under revision.

Heard the arguments of both sides and perused the records.

Learned counsel appearing for the revisionists submits that there is no embargo upon the Court to issue a 2nd commission, even if the 1st commission report has been accepted subject to evidence. Learned counsel relied upon the judgment of Hon'ble High Court in Ghurhu vs. Xth Additional District Judge, Varanasi & Others, 2004(13) AIR 943. He further placed reliance upon the judgment of the Allahabad High Court in the case of Bahgwan Shrikrishna Virajman vs. U.P. Sunni Waqf Board.

It is not in dispute that the application for issuance of 2nd commission is maintainable but the trial court has not rejected the application on the ground of maintainability. Rather, the Court has considered the merits and recorded a finding that a report is already on record which is subject to evidence.

It is significant to note that the first Amin report was prepared pursuant to the application moved by the plaintiff himself, and the commission proceedings were conducted in his presence. Thus, the report was not prepared ex parte or in absence of the plaintiff. Therefore, merely because the plaintiff is not satisfied with the report, a 2nd commission cannot be issued. Accordingly, the revision is liable to be dismissed.

### **ORDER**

Civil Revision No. 60 of 2025 Smt. Rajni & Ors. Vs Ramendra Singh & Ors. **is dismissed.**

**Date: 02.04.2026**

**(Narendra Kumar Jha),  
District Judge, Kannauj.  
J.O. Code UP02007**