

**Misc Appeal-36 of 2020**

**order no. 37**  
**dated 04.09.2025**

Today is date fixed for further hearing.

Both parties are present.

Heard Ld. Advocates for both sides. Perused the petition. Considered.

On perusal of the petition it appears that this petition was filed by the appellant under Order 39 Rule 7 of CPC on 22.09.2020 praying for appointing Advocate Commissioner. It also appears from the petition that the appellant has filed this petition in order to see by Ld. Commissioner whether there are any new construction of the suit property if so, how far it was constructed. It is submitted by Ld. Advocate that the respondents are making construction in spite of order of status quo passed by this Court on 10.02.2020. Today i.e. on 04.09.2025 that petition becomes infructuous after lapse of 5 years. Appellant on 16.05.2025 has filed a petition praying for submitting supplementary application under Order 39 rule 7 CPC but no such application is filed.

Considering this I am not inclined to allow the petition at this stage.

Accordingly this petition is rejected.

To **05.01.2026** for hearing injunction application.

D/C by me

**A.D.J (3<sup>rd</sup>) Court.**  
**(WB00742)**