

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14605 of 2024****LALITABEN RUPSINGBHAI CHAUDHARY D/O JANABHAI
TANGAHIYABHAI CHAUDHARY & ORS.****Versus****SHILABEN FATEHSINH D/O DHIRUBHAI TANGADIYABHAI CHAUDHARY
& ORS.****Appearance:****MR VICKY B MEHTA(5422) for the Petitioner(s) No. 1,2,3,4,5,6,7,8****CORAM: HONOURABLE MR. JUSTICE A.Y. KOGJE****Date : 14/10/2024****ORAL ORDER**

This petition under Article 227 of the Constitution of India is filed by the petitioners against the order dated 20.09.2024 passed by the Additional Senior Civil Judge, Vyara, District: Vapi below Exh.23 in Regular Civil Suit No.01 of 2024. By the impugned order, the Court below has rejected the prayer of the applicant to appoint Court Commissioner to carry out panch rojkam. The petitioners before the Court is the original plaintiffs, who claimed right to the extent of one half of the land in question being block No.456, Khata No.448 of village Borakhadi, which was the land under restricted tenure 73AA and it is the claim of the petitioners that the said land was jointly purchased by the father of the petitioners and the father of the respondents. However, father of the

respondents being the elder member of the family, the mutation in the revenue record had taken place in favour of respondents. The only prayer that is made in the application Exh.23 is for appointing a Court Commissioner. The Court has refused to entertain the application on the ground that it amounts to collection of the evidence.

Issue **notice** returnable on **19.11.2024**.

SIDDHARTH

(A.Y. KOGJE, J)

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: SIDDHARTH R DAVE, Private Secretary, at High Court of Gujarat on 14/10/2024 16:41:52