



consequential reliefs. He further submitted that in the suit evidence from both sides is closed and the suit is posted for argument. It is at this stage that there exists a dispute with regard to existence of the school over the suit scheduled property. It is alleged by the Defendants that the school is situated over the 'B' scheduled land, which is a part of the 'C' scheduled land. Learned Senior Counsel appearing for the Petitioners contended that it is not clear which plot the school is situated in. Therefore, appointment of a Survey Knowing Commissioner is felt necessary. Hence, the Plaintiffs moved an application under Order-26 Rule-9 of C.P.C. for deployment of a Survey Knowing Commissioner.

5. Upon careful consideration of the submission made by the learned Senior Counsel appearing for the Petitioners, this Court is of the view that the matter requires further consideration in presence of the Opposite Parties.

6. Hence, issue notice to the Opposite Parties.

7. Mr. C.M. Singh, learned Additional Standing Counsel accepts notice on behalf of the Opposite Parties No.1 and 2.

8. Since soft copy of the CMP application has already been uploaded in the LMS portal, no hard copy of the writ petition is required to be served on the learned Additional Standing Counsel. Soft copy of the writ petition, which has been uploaded in the LMS Portal, be utilized for issuance of notice to the Opposite Parties No.1 and 2 by the learned Additional Standing Counsel.

9. Requisites for issuance of notice to the Opposite Party No.3 by Speed Post with A.D. be filed within a week hence.

10. List this matter in the week commencing 22nd June, 2026.



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11. Heard the learned counsel for the Petitioners.
12. Issue notice as above.
13. As an interim measure, it is directed that on an application being filed by the Petitioners before the court in seisin over the matter seeking adjournment of Civil Suit No.177 of 2013, the court in seisin over the matter shall do well to adjourn the further proceeding of the suit for a period of six weeks.

(Aditya Kumar Mohapatra)
Judge

Debasis