

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7137/2026

Smt. Varsha Agarwal Daughter Of Sh. Jaydayal, Wife Of Sh.
Akhilesh Agarwal

-----Petitioner

Versus

Municipal Board, Viratnagar

-----Respondent

For Petitioner(s) : Mr. Farooq Ahmed

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA
Order

21/04/2026

1. The present writ application has been filed assailing the order dated 30.03.2026, passed by learned Civil Judge-cum-Judicial Magistrate, Viratnagar, in Civil Misc. Case No.12/2026, whereby the application under Order 39 Rule 7 read with Section 151 CPC has been rejected.

2. Learned counsel for the petitioner submits that although the application was filed under an incorrect provision, the substantive prayer was for appointment of a Commissioner for the purpose of assisting the Court and for bringing on record the status of the property as it existed at the time of institution of the suit. It is further submitted that the defendants were proceeded *ex-parte*.

3. Learned counsel for the petitioner further submits that the learned Trial Court, without properly appreciating the material available on record, has rejected the application merely on the ground that the appointment of a Commissioner was sought with the intent to collect or supplement evidence.

4. Heard.

5. Let notice be issued confined to respondent No.1 to 4. Rule is made returnable within two weeks.
6. '*Dasti*' permitted.
7. List this matter after two weeks.

(BIPIN GUPTA),J

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