

MHJG160022802025



Regular Civil Suit

No.230/2025

Monali Vs. Ruksana

ORDER BELOW EXH.09

(Passed on 10/06/2026)

This is an application filed by the plaintiff for appointment of court commissioner to carry out joint measurement of the suit property i.e. Gat No.75/1 and 75/2 of Mouje Savarale, Tal.Jamner, Dist.Jalgaon.

2] It is the contention of the plaintiff that, out of suit property Gat No.75/2, 1H. is owned by plaintiff no.2 and remaining 64R. is owned by plaintiff no.1. Out of Gat no.75/1, defendant no.1 and 2 each own 82R. The original Gat number was 75 but as defendant no.1 & 2 have purchase the land from Gat no.75. It was divided in two parts i.e. 75/1 and 75/2. Plaintiff have measured his land and found that 20R land was encroached by defendant. Therefore, he filed present suit and filed this application for joint measurement and prayed to allow the application.

3] Defendants have filed their say overleaf the application and submitted that there is no dispute in respect of ownership of the property. Defendant has purchase the suit property prior to plaintiff. At that time there is no dispute. But after plaintiff has purchase the property. He has measured the

land. Thereafter he again filed application for measurement. But he has not file any appeal against the prior measurement. This application is filed only to collect the evidence. The plaintiff has not disclose the material facts to the court. Hence he prayed to reject the application.

4] Heard both the sides. Gone through the record. Present suit is filed for removal of encroachment and possession. From the pleadings of both parties, it appears that, there is boundary dispute between the parties. It is well settled law that, in the cases of encroachment and boundary dispute, it will be proper to appoint the Court commissioner for joint measurement. It will help to assist the court in arriving at the just decision. It will be not amount to collection of evidence.

5] Merely, plaintiff has measured the land prior to filing of the suit does not preclude him from seeking joint measurement. On the contrary it will be more proper to measure the land jointly so as to find out the factual position. If parties have any objection in respect of map then, he will get the opportunity to cross examine the witness. But, at this stage, to find out the encroachment, it is necessary to measure suit properties jointly, so that the correct position will come on record. It will help to bring factual position on record. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. Taluka Inspector, Land Revenue, Jamner, is appointed as court commissioner to carry out joint measurement of suit properties Gat No.75/1 & 75/2 and its Sub-division of Mouje Savarale, Tal.Jamner, Dist.Jalgaon
3. The plaintiff is directed to deposit the requisite measurement fees in the office of Taluka Inspector Land Revenue, Jamner, Dist.Jalgaon.
- 4 The Taluka Inspector Land Revenue, Jamner, Dist.Jalgaon is directed to file it's report of measurement before the Court within two months from the date of receipt of this order.
5. Writ commission be issued accordingly.

Jamner
Date : 10/06/2026

(M. N. Jaiswal)
Civil Judge Jr. Division,
Jamner, Dist.Jalgaon.