

CNR NO.

**Order below Exh. 08 in RCS No. 436/2014**

Plaintiffs have filed this application for grant of permission to carry out measurement of the suit property bearing Gat No. 262 situated at Mauje Pimpalgaon Matha, Tal-Sangamner, Dist. Ahmednagar as described in the plaint (Exh. 1) from T.I.L.R., Sangamner to decide whether the suit property is encroached. It is admitted by plaintiffs that said suit properties are in possession of plaintiffs and defendants. Plaintiffs further submitted that, there are disputes in between in plaintiffs and defendants regarding encroached portion of the suit property. Therefore, it is necessary to find out encroachment if any, for the just decision of the suit.

2] The defendant filed his say and he did not raise any objection to measure the suit property. Considering the submission made by plaintiffs and to find out the encroachment if any and further to demarcate boundaries of the suit properties it is necessary to carry out measurement of the suit properties for the just decision of the suit allowing this application will not cause prejudice defendants. Hence, I passed following order -

**Order**

1. The application is allowed.
2. The TILR, Sangamner is hereby appointed as Court Commissioner as per Order 26 Rule 9 of the Civil Procedure Code.
3. The commissioner shall visit the spot and measure the width of the road which passes through the land Gat No. 262 situated at Mauje Pimpalgaon Matha, Tal-Sangamner, Dist. Ahmednagar as described in plaint Para 1 and length of the common bandh and road. The Court commissioner shall measure the property from all sides and submit report regarding the area, encroachment on the road if any, made by any of the parties and

mention the boundaries properly in detail.

4. The commissioner shall prepare the map showing the actual position on the spot and shall submit his detailed report within one month after receiving the commission writ.
5. The parties are directed to furnish necessary documents and also deposit survey charges equally to the concerned authority.
6. Assistance Superintendent, Joint Civil Court J.D., Sangamner is directed to issue commission writ to TILR, Sangamner after depositing of necessary charges in office of the TILR, Sangamner as per rules.

Date: 05.01.2018  
Place: Sangamner.

(P. I. Mokashi)  
Jt. Civil Judge J.D.,  
Sangamner.