

**Order below Exh.130 in R.C.S.NO.103/2012.**

The plaintiff has filed this application and stated that as per the order below Exh.123 the Court pleased to appoint the Court Commissioner to D.I.L.R., Newasa. The letter of the court commissioner is issued accordingly but it is returned as the office of T.I.L.R. Newasa is in existence and office of D.I.L.R. is at Ahmednagar. Hence prayed to correct the name of the Court commissioner accordingly.

2. The defendant filed the say underneath of the application and opposed the application. Already as per the application of the plaintiff, the order of D.I.L.R. is passed. It is as per the demand of the plaintiff. Therefore, it cannot be changed. Hence prayed to reject the application.

3. Heard the Learned counsel for the parties. The defendant relied on **Chandrarao Hanumantrao Wable Vs Dhondu Fula Patil reported in 2012(2) ALL MR 267.** In this case it is held that the trial Court was not justified in appointing D.I.L.R. as Court commissioner in absence of any grievance by plaintiff about earlier measurement done by T.I.L.R. as a gazetted officer.

4. I have perused Exh.123 and the order thereon. The plaintiff has mentioned that 'उपअधिक्षक, भूमि अभिलेख, नेवासा'. The letter of commission is issued but it is refused as the office of D.I.L.R. is not in existence at Newasa. Therefore, it is necessary to issue the direction to T.I.L.R. to comply the order of commission. However as per above citation D.I.L.R. is appointed only after any grievance

against the measurement of T.I.L.R. Therefore I pass the following order.

**ORDER**

1. In view of order below Exh.123, issue a fresh letter to T.I.L.R. Newasa instead of D.I.L.R. Newasa.
2. T.I.L.R. Newasa is ordered to comply the order of commission as per order Exh.123.
3. No order as to costs.

Dt.16/08/2016.

(P.V.Bulbule)  
Civil Judge, Senior Division,  
Newasa.