

ORDER BELOW EXH.08

1. The present application is filed by the plaintiff under O.26 R.9 of the Code of Civil Procedure (for short 'the Code') to measure the property described in para no.1 of the plaint (hereinafter referred to as the suit property) by appointing court commissioner. The plaintiff submitted that he has filed present suit for demarcating boundaries of the suit property and for removal of encroachment made by defendants therein. He further submitted that without measuring the suit property, fact of the encroachment made by defendants cannot be ascertained. Hence, the plaintiff prayed to appoint court commissioner i.e. T.I.L.R., Rahata for getting measured suit property. Hence, present application.

2. The suit is ordered to be proceeded ex-parte against defendant no. 1 to 6.

3. Perused the record of the case. Heard learned advocate Shri. P. S. Raut for the plaintiff. He argued that if T.I.L.R. is appointed and suit property is measured, the plaintiff can prove his case properly. Hence he prayed for granting application.

4. In view of O.26 R.9 of the Code, the Court is empowered to appoint a commissioner for local inspection in order that the Court may better appreciate the evidence already on record. The plaintiff prayed to appoint court commissioner for ascertaining encroachment made in the suit property. The plaintiff has also filed his written chief-in-examination, therefore in order to appreciate his evidence appointment of Court Commissioner is required. Though defendants have not contested the case, burden to prove his case is upon shoulder of the plaintiff and for local inspection of the suit property

expert i.e Taluka Land Record Office Rahata should be appointed.
Hence, following order would meet the ends of justice.

ORDER

1. The application is allowed.
2. Taluka Inspector of Land Records, Rahata is appointed as Court Commissioner to measure the suit property described in para No.1 of the plaint along with adjacent lands, if required.
3. Taluka Inspector of Land Records, Rahata shall inspect and measure the property and fix boundaries of the suit property and adjacent lands, if required at the cost of the plaintiff.
4. The plaintiff shall provide necessary documents to Taluka Inspector of Land Records, Rahata and pay requisite fee.
5. Issue writ to Taluka Inspector of Land Records, Rahata accordingly.

Date :- 16.10.2024.
Place :- Rahata.

(S. V. Khaire)
Jt. Civil Judge J.D., Rahata.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Court : Court of CJJD & JMFC, Rahata.

Name of the Stenographer : R. M. Aragade

Judgment / Order Date : 16.10.2024.

Judgment / Order signed by : 16.10.2024.
the Presiding Officer on

Judgment Order uploaded on : 17.10.2024.