

ORDER BELOW EXH. 21 IN RCS NO. 183 /2021
(Pandurang & Ors. Vs. Vaijantabai & Ors.)

The plaintiffs and defendants have jointly filed this application under Order XXVI, Rule 09 of the Code of Civil Procedure, 1908 (for short C.P.C.) for appointment of Deputy Superintendent of Land Record, Jamkhed as a Court Commissioner.

2. It is the contention of parties that, the plaintiffs have filed present suit for measurement of suit land and demarcation of four boundaries through Deputy Superintendent of Land Record, Jamkhed. In order to make clear all facts, it is just and necessary to make measurement of suit land more particularly described in plaint clause-1, through Deputy Superintendent of Land Record by appointing him as a Court Commissioner. Accordingly, parties are prayed to allow the application.

3. Perused the application. Heard Shri. P.V. Gole, learned advocate for the plaintiffs and Shri. S. D. Walunjkar, learned advocate for the defendants.

4. Considering factual matrix, nature of suit and, for elucidating the matter in dispute, I am of the view that, it would be just and proper to appoint Deputy Superintendent of Land Record, Jamkhed as Court Commissioner. Hence, I proceed to pass the following order.

ORDER

1. Application (Exh.21) is allowed.
2. Deputy Superintendent of Land Record, Jamkhed is appointed as Court Commissioner to measure the suit field described in plaint clause-1,

including land of defendants and all neighbouring co-share holders, after giving in writing notices to all the parties regarding the day, date and time of his commission work to the suit field and asking them to remain present at the time of commission work at the suit field.

3. Both the parties are directed to appear before the Commissioner accordingly.

4. The Court Commissioner is directed to measure the suit field mentioned above and submit his report thereof on or before **06.06.2022**.

5. The plaintiffs and defendants are directed to deposit the required fees of Court Commissioner in the office of Deputy Superintendent of Land Record, Jamkhed.

6. Issue commission letter accordingly to the Court Commissioner.

Date: 16.04.2022

(Rajnikant S.Jagtap)
Civil Judge Junior Division,
Jamkhed.