

ORDER BELOW EXH. 01

(Passed on 21st of August, 2021)

1. Present objection-cum-application is filed by defendant. Perused application and say below Exh. 95 filed by plaintiff. Heard both parties.

2. Deputy S.L.R. Balapur was directed to re-measure suit property as per order below Exh. 66 and thereafter as per order below Exh. 79. It is contended by defendant that Dy. S.L.R. re-measured grampanchayat malmatta number 174. However, he has not considered namuna-8, which was submitted by defendant. Further, no explanation is given in the report or map. As per order he has not considered said document. Therefore, defendant has objection to the report and map and necessary order may be passed for giving direction to the Dy. S.L.R.

3. Plaintiff objected the contentions of defendant by filing say Exh. 95. They contended that as per order re-measurement is done and namuna-8 of malmatta number 174 has been considered by him. Hence, the objection be rejected and suit be proceeded further.

4. Perusal of orders below Exh. 66 and 79 shows that the Dy. S.L.R. shall consider all documents submitted by both parties. The grievance of defendant is only with respect to namuna-8 of malmatta number 174, in which measurement is shown as 25 X 10 sq. ft. Perusal of report Exh. 90 alongwith map

submitted by Dy. S.L.R. Balapur shows that he has shown measurements of malmatta number 174 in *Tapshil* bearing no. 3 and 5. Further, conjoint reading of whole map reveals that the measurement shown in namuna-8 of malmatta number 174, copy of which was submitted by defendant to the Dy. S.L.R., can be calculated from the details gathered from the map. Defendant will have the opportunity to cross-examine said Dy. S.L.R. at the time of evidence. In such circumstances, no further direction are required to be given to the Dy. S.L.R., Balapur. Therefore, no such direction as sought by defendant are required to be given. Hence, the prayer of direction is liable to be rejected. Hence, the order.

ORDER

- 1) Objection is read and recorded.
- 2) Prayer of defendant is rejected.
- 3) Plaintiff to take further steps for evidence.
- 4) Both parties to note.

Balapur
Dated: 21/08/2021

(C. P. Raghuvanshi)
Civil Judge (J.D.), Balapur.

CERTIFICATE

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

Name of Steno : Shaikh Rafique
Court Name : C.J.J.D. & J.M.F.C., Balapur.
Date : 21/08/2021.
Signed by Presiding Officer on : 21/08/2021.
Uploaded on : 23/08/2021.
