

MHAU070017842018



R.C.S./263/2018

Nana Narayan Dahidar Vs. Sahebrao s/o Kachru Khedkar

ORDER BELOW EXH.No.45

This is an application filed by plaintiff for appointment of District Inspector of Land Record, Aurangabad, Tq. & Dist. Aurangabad, (*hereinafter referred as "D.I.L.R."*) as a court commissioner.

- 2) Perused the application, say and heard both sides.
- 3) Present suit is for perpetual injunction and mandatory injunction to remove construction over the suit property. It is pertinent to note that, on perusal of record it appears that on 18.09.2019, my predecessor had passed order on the application of court commissioner and that application allowed and it was directed to T.I.L.R. Gangapur to measure the suit property Gut No. 17 and Gut No. 23 at Gutte Wadgaon, Tq. Gangapur, Dist. Aurangabad. It was also directed to submit detailed report with showing area of the both the gut numbers, exact encroachment area if any. Thereafter, the T.I.L.R. filed commission report at Exh. 23. However, the plaintiff filed an application to appoint

D.I.L.R. as a commissioner. Hence, my predecessor appointed court commissioner vide order Exh. 32 on 04.05.2022. However, on 15.06.2022 the D.I.L.R., Aurangabad send letter and contended that the D.I.L.R., Aurangabad is second appellate authority therefore it be sent before first appellate authority D.S.L.R. Gangapur.

4) On perusal of record, it appears that the report filed by commissioner Exh.23. Thereafter, the plaintiff has filed report prepared by same commissioner at Exh. 35. It is pertinent to note that, there is difference in both maps at Exh. 23 and Exh. 35. In view of order Exh. 32 of D.I.L.R., Aurangabad is appointed as a court commissioner. Therefore, to avoid future complications I am of the view that it would be just and proper to appoint D.I.L.R., Aurangabad as a court commissioner. Hence, I pass following order;

ORDER

- 1) The application is allowed.
- 2) It is directed to D.I.L.R. Aurangabad to comply the order Exh. 32.

Date : 05/08/2023
Place : Gangapur

(S.Y. Wakchaure)
3rd Jt. Civil Judge (J.D.)
Gangapur.

CERTIFICATE

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

Name of the Stenographer	: Kailas Shivaji Rasve Stenographer Grade-III,
Court	: Shri. S.Y. Wakchaure, 3 rd Jt.Civil Judge J.D., Gangapur.
Date of order	: 05/08/2023
Order signed by the presiding officer on	: 05/08/2023
Order uploaded on	: 07/08/2023