

ORDER BELOW EXH. 5 IN RCS No. 94/2018

Plaintiff has filed the present application under Order 26, Rule 9 of the Civil Procedure Code for appointment of Court Commissioner.

2. By way of this application plaintiffs prayed for measurement of suit property situated at Gut No.182. It is case of plaintiffs that, defendants are encroached over the suit property from east sides to the extent of 2 R. Therefore, to find out exact and actual encroached area prayed to appoint T.I.L.R. Sillod.

3. Suit is proceeded ex-party against defendants. Heard advocate for plaintiff. He submitted that, present suit is for removal of encroachment. It is specific case of plaintiff that, defendant encroached from east sides over suit property. Therefore, measurement of suit property is necessary.

4. On perusal of pleadings of plaintiffs, it is specific case of plaintiff that, defendant encroached over suit property to the extent of 2 R from east side. Plaintiff specifically state that, from the east side of suit property there is one Nala. However, plaintiff nowhere in her plaint pleaded that, defendant having land from the east side of suit land. She specifically stated that, defendants having land in Gut no.187. She not show any nexus of gut no.182 and 187. Therefore, I do not find any merit in an application for appointment of T.I.L.R. Hence, I pass following order,

ORDER

Application is rejected.

Dt.13.02.2020.

Jt. Civil Judge (J.D.),
Sillod.

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file judgment are same, word to word, as per the original judgment.

Name of the Stenographer	:- Prashantkumar N.Waghamare.
Court Name	:- Shri. Ravi P. Thore, Jt. Civil Judge (J.D.) Sillod.
Date	:- 13.02.2020.
Order signed by the presiding officer on	:- 13.02.2020.
Order uploaded on	:- 13.02.2020.
Signed by digital signature	:- 13.02.2020.