


MHAU090029772016 	<b>RCS No. 266/2016</b> <b>Laxmibai Vs. Indramohan</b>
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**Order below Exh. 29**

The defendant has filed this application for direction to the Court Commissioner to state exact area acquired for road. The defendant stated that the Court passed order at Exh.19 and appointed Court Commissioner to measure area in possession of the plaintiff and defendant in G. No. 175 and area acquired for road. In G. No. 175 area from East and North was acquired for road. The Court Commissioner has not stated said area in measurement map. It is prayed to allow the application.

2] The plaintiff filed say and stated that the Court Commissioner has measured land as per order of the Court. There was no order to state specific area acquired for road. It is prayed to reject the application.

3] Perused the application, say and record. Heard both sides.

4] The record shows that the Court passed order on Exh. 19 and appointed T.I.L.R. as Court Commissioner. It was directed to measure land of the plaintiff and defendant including an area occupied for the road from Northern and Eastern side of G. No. 175. The

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Court Commissioner measured lands of the plaintiff and defendant and filed report with measurement map. In measurement map, lands in possession of the plaintiff and defendant including area of road have been shown. It shows that the Court Commissioner has measured lands as per order of the Court. There was no specific order to measure area acquired for road and state said area separately. Therefore, it cannot be said that the Court Commissioner has not measured lands as per order of the Court. It is contention of the defendant that he purchased land excluding area of road. The defendant has to prove said fact on evidence. Considering contention, there is no need to give direction to the Court Commissioner as prayed. Hence, the application is liable to be rejected. Hence, order –

**Order**

- 1] The application at Exh. 29 is rejected.
- 2] No order as to costs.

Date : 13/02/2023

( S. N. Bhavsar )  
Civil Judge, J. D., Paithan.

## Certificate

I affirm that the contents of the PDF file judgment/order are same, word to word, as per the original judgment/order.

Name of the Stenographer	: Rakesh Rajmadan Pedapalli
Name of the court	: Judicial Magistrate F.C., Paithan, Tq. Paithan
Date of judgment/order	: 13/02/2023
Judgment/order signed by the Presiding Officer on	: 13/02/2023
Judgment/order uploaded on	: 15/02/2023