

MHAU100006192016



Purushottam Vs. Rukhmanbai

**Order below Exh. 17 in R.C.S. No. 59/2016**

01. Read application & say filed by defendant. Heard both sides at length. Present suit is filed for recovery of possession of encroached portion i.e. 1 acres each from Northern, Eastern and Southern side of suit property, from different defendants. Defendants have objected the application stating that plaintiff ought to have measured his land before filing of present suit, to ascertain the boundaries of his property. He has filed present suit without any measurement map, claiming encroachment in lumpsum 1 acres from each side, hence, present application be rejected.

02. Perusing documents on record, it is seen that plaintiff has filed hand made map alongwith plaint, other than this map, there is nothing on record to show boundaries of suit property & on what basis encroached area 1 acre from each side i.e. northern, eastern and southern, is mentioned by plaintiff, cannot be ascertained. Plaintiff ought to have individually measured his land through T.I.L.R. before filing of present suit. Admittedly, disputes of boundaries cannot be resolved without joint measurement but plaintiff must be aware of his own boundaries. In present case, nothing is on record to infer boundaries of suit property. Further, plaintiff ought to have brought on record exact area in land Gut No. 223 possessed by him to infer encroachment, if any. In such circumstances, it appears that present application is filed only for collection of evidence on record. In such circumstances, application deserves to be rejected & rejected.

Sd/-

Place : Khultabad.

Date :- 14.09.2018.

( N. V. Bansal )

Civil Judge – J.D. and

Judicial Magistrate – F.C. Khultabad

## **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	:	S. K. Tripure
Court	:	J.M.F.C. Khulatabad
Date	:	14-09-2018
Judgment signed by the presiding officer on	:	14-09-2018
Judgment uploaded on	:	14-09-2018