

MHAU110003282007

**ORDER BELOW EXH.74**

1. The plaintiffs have filed suit for permanent injunction against defendants and for recovery of possession in respect of gat No.104. In the said suit this Court has decreed the suit on 23-10-2013. To know who is in possession of the encroached 17 R land of the plaintiff. Therefore, plaintiffs filed Regular Civil Appeal bearing No.247/2013, the said appeal is partly allowed and directed this Court to cause measurement of the gat No.104 and gat No.103. It is further contended by the plaintiffs that the TILR has caused measurement of gat No.103 and 104 but he has not mentioned which defendant has caused encroachment over 17 R land. Therefore, to determine actual encroachment by the defendants the map should be explicit and cogent for that purpose plaintiff wants to get measured entire gat No.103 and 104 of the Lohgad Nandra and he is ready for depositing the Court fees. Therefore, plaintiffs prayed for granting the said application. The said application is not objected by the defendants for measurement of the gat number.

2. Perused the record, it appears that due to dismissal of the

suit plaintiffs filed Civil Appeal before the Hon'ble District and Sessions Judge Aurangabad. There is copy of order of Hon'ble District and Sessions Judge which shows that plaintiffs to get re-measured gat No.103 and 104 through the Court Commissioner so as to determine alleged encroachment. The said matter was remanded only for that purpose. Therefore, plaintiffs have filed above application and there is no objection from the defendants for the said measurement therefore following order is passed.

ORDER

1. Application is allowed.
2. The TILR Phulambri is hereby appointed as court commissioner and he is directed to measure gat No.103 and 104 situated at Lohgad Nandra Tq. Phulambri, Dist. Aurangabad
3. TILR is directed to show encroachment, if any, and exact area in possession of the plaintiff and defendant.
4. The Court Commissioner to submit report along with map within two months.
5. Plaintiff is directed to deposit necessary fees of measurement in the office of TILR Phulambri.
6. After deposit process fees issue writ to the Court Commissioner

Date:25-02-2021

(A. S. Chonde)
Civil Judge J. D. Phulambri

CERTIFICATE

I affirm that the contents of this PDF file Order are same, word to word, as per the original Order.

Name of the Stenographer : Kailas Kachru Kale.

Court : C.J.J.D. & J.M.F.C. Court, Phulambri.

Date : 25-02-2021

Order signed by the
presiding officer on : 25-02-2021

Order uploaded on : 26-02-2021
