

R.C.S. NO. 72/2011
Govinddas Vs. Ramdas

ORDER BELOW EXH.30
(Date : 14.07.2015)

1. This is an application filed by plaintiff under Order XXVI Rule 9 of the Civil Procedure Code for appointment of Taluka Inspector Land Record (hereinafter referred as 'T.I.L.R.') as court commissioner.

2. Heard both side. Perused application and say of defendants. According to plaintiff, defendants are adjacent land owner of suit land. They made encroachment over suit land from east, south side of the suit land. But said fact has been denied by defendants. Perused documents filed with list Exh.4 and 32. Measurement map dated 29.07.2011 shows that plaintiff has been in possession to extent of 1 Hector 46 R means less than his ownership to the extent of 22 R. Because from 7/12 extract of suit land Block No. 324 shows that he is owner and possessor of land to the extent of 1 Hector 68 R land. But encroachment has not been shown. Whether it has been made by defendants or not. Admittedly defendants are adjacent land owner of suit land. They are having their land in Block No. 324, 323, 364, 365,

366. 7/12 extract filed on record shows the same. Plaintiff has prayed to measure all Block numbers of old survey number 134 including suit land and land of defendants.

3. Suit is for recovery of possession of encroached land. Defendants have denied the fact of encroachment over the suit land. Map has not shown the encroachment by defendants. In such circumstances, measurement of land of both parties is necessary to ascertain the encroachment made over the suit land. Therefore, it is necessary to appoint T.I.L.R. as court commissioner for measurement of land of both parties, otherwise very purpose of the suit will frustrated. Therefore application deserves to be allowed. Accordingly I proceed to pass the following order :-

ORDER

1	Application is allowed.
2	T.I.L.R., Phulambri is appointed as Court Commissioner and he is directed to measure the all Old Survey No. 134 including suit land and land of defendants, situated at village Jategaon, Tq.Phulambri.

3	TILR is directed to show encroachment, if any, and exact area in possession of plaintiff and defendants.
4	TILR is directed to fix boundaries of suit land and land of defendants.
5	Court Commissioner submit report along-with map within two months.
6	Plaintiff is directed to deposit necessary fees of measurement in the Office of T.I.L.R.,Phulambri.
7	After deposit process fees, issue writ to the Court Commissioner accordingly.

Date : 14.07.2015

Sd/-
(D.M.Zate)
Civil Judge (Jr.Dn.), Phulambri.

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 : Sau.R.V.Kulkarni
Court : C.J.J.D., Phulambri.
Date : 14.07.2015
Judgment signed by the presiding officer on : 14.07.2015
Judgment uploaded on : 14.07.2015