


MHAU120001702025 	<u>Order Below Exh. 10 in R.C.S. No. 23/2025</u> <u>Dipali Vs.Manoj</u>
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By this application the plaintiff has sought an appointment of court commissioner under Order 26 Rule 9 of Code of Civil Procedure. The plaintiff has submitted that, he has filed the present suit for removal of encroachment and possession. He further submitted that, plaintiff is owner of land gat no.57 admeasuring 1H 61R+ 5R potkharab situated at village Palaskheda, Tq. Soygaon, Dist. Aurangabad. Defendants agricultural land gat no.56 is adjacent to the suit property on the eastern side. Taking undue advantage of this, the defendant has encroached upon the suit property of plaintiff. He further submitted that, it is necessary to measure the area of gat no.57. Therefore, it is necessary to appoint TILR Soygaon as Court commissioner. The plaintiff prays to allow this application.

02. Defendant has not filed his say and this application proceeded without say.

03. Ongoing through the application, it seems that the plaintiff has filed present suit for removal of encroachment and possession. The plaintiffs sought the measurement of the suit property through TILR Soygaon. From the argument of plaintiff, it appears that, he is disputing about the area of the land and encroachment of defendant over the land of plaintiff. In order to decide who is in actual possession and who has encroached, the Court commissioner is required. However, the purpose of appointment of court

commissioner is not to assist the party to collect the evidence but in order to elucidate any matter in dispute. The local investigation should be done in order to elucidate any matter in dispute i.e. as to the identification, location or measurement of the land, local investigation. It is well settled principle of the law that the TILR Soygaon can be appointed as court commissioner for boundary dispute and allegation of encroachment. It is therefore, present application needs to be allowed. In the result, I proceed to pass the following order.

ORDER

- 1} TILR Soygaon is hereby appointed as Court Commissioner to carry out measurement of suit land gat no.56 and 57 jointly admeasuring situated at village Palaskheda, Tq.Soygaon, Dist.Aurangabad.
- 2} Plaintiff is directed to deposit expenses for carrying out measurement, within a period of 15 days from the date of this order.
- 3} Plaintiff is also directed to furnish necessary documents to TILR Soygaon for carrying out measurement.
- 4} TILR Soygaon is hereby directed to carry out measurement of above mentioned Gut number of land of plaintiff and submit detail report i.e. encroachment area, by whom encroachment committed, encroachment boundaries, over suit land within one month from the date of measurement.
- 5} TILR Soygaon is also directed to furnish two extra copies of measurement map with original.
- 6} Plaintiff is directed to furnish his address.

- 7} After depositing the necessary expenses for measurement, plaintiff shall be informed to the Court by filing a return that he has deposited the amount of measurement.
- 8} Issue Letter to TILR Soygaon accordingly.

Place : Soygaon
Date : 01.04.2026

(M. B. Patil)
Civil Judge Junior Division,
Soygaon