

MHAU120002222018

RCS No.- 27/2018
Ramrao Vs. Kalyan**ORDER BELOW EXH.- 24**

01. This is an application filed by plaintiffs for appointment of Court Commissioner in view of Order XXVI Rule 9 of Code of Civil Procedure, 1908 (for short CPC).

02. It is the contention of plaintiffs that defendant Nos. 1, 2 and 4, 5 illegally occupied 35 ares of land of plaintiffs. Hence, he prayed to allow his application.

03. Defendants failed to file their say. Hence, no say order is passed against them.

04. It appears that the suit is filed possession of encroached portion, which alleged to be encroached by defendants. In a suit for removal of encroachment or suit for possession on the basis of encroachment, it is necessary to carry out joint measurement. Hence, it will proper to allow the application of plaintiff. Hence, I pass the following order :-

ORDER

1} TILR Soygaon is hereby appointed as Court
Commissioner to carry out joint measurement of land
in Gut No.- 14 of village Palaskheda, Tq. Soygaon,

Dist. Aurangabad.

- 2} Plaintiff is directed to deposit expenses for carrying out joint measurement, within period of seven days from this order.
- 3} Plaintiff is also directed to furnish necessary documents to TILR Soygaon for carrying out joint measurement.
- 4} TILR Soygaon is hereby directed to carry out joint measurement of above mentioned Gut number of land of plaintiff and lands of defendants and show exact portion of encroachment, if any, committed by defendants over the land of plaintiff and submit report within one month from the date of measurement.
- 5} TILR Soygaon is also directed to furnish two extra copies of measurement with original.
- 6} Issue Letter to TILR Soygaon accordingly.
- 7} Plaintiffs are directed to furnish one copy of plaint to TILR Office, Soygaon.

Date :- 20.01.2023.

[A. B. Ingole]
Civil Judge, Jr. Division,
Soygaon.

CERTIFICATE

“I affirm that the contents of this [P.D.F.](#) file Order are same word to word, as per original Order”.

Name of Stenographer	:-	K. P. Dusane.
Court	:-	C.J.J.D. & J.M.F.C., Soygaon.
Date	:-	20.01.2023.
Order signed by presiding Officer on	:-	20.01.2023.
Order uploaded on	:-	21.01.2023.