

Regular Civil Suit No. 443/2023.

Shriram V/s. Satish

CNR No : MHBI060027012023.

ORDER BELOW EXH - 15.

Through this application by virtue of Order 26 Rule 9 of C.P.C. plaintiff has prayed for the commission to measure the suit property and to fix the boundaries. This is the suit for declaration of ownership and perpetual injunction on the basis of settled possession. It is the claim of plaintiff that defendants have obstructed his settled possession over the suit property by removing its boundaries. Therefore, through this application the plaintiff has prayed for issuance of commission to measure the suit property and to fix the boundaries. Per contra, the defendants have formally resisted the application and alternatively prayed that if commission is issued, it be issued at the costs of the plaintiff.

Having heard the rival submissions, I am to state that this is the suit for perpetual injunction and declaration of ownership. The plaintiff has to prove his own case at his own feet. Plaintiff cannot be allowed to collect the evidence by way of commission. It is worth to mention that yet the issues are not settled. Yet plaintiff did not climb into witness box directly this application for commission is moved to which I found out of law and out of practice. Hence, I reckon to pass following order;

:: ORDER ::

01. Application stand rejected.

Place : Ambajogai.

Date : 14/03/2024.

(Z. Z. Khan)

Jt. Civil Judge (Junior Division),
Ambajogai (MHBI06-2196)

:: Certificate of Stenographer ::

"I affirm that the contents of this PDF file are word to word as per original Judgment."

Dictated On : 14/03/2024.

Transcribed On : 14/03/2024.

Checked & Signed On : 14/03/2024.

Date : 14/03/2024.

Place : Ambajogai.

Sd/-

(Akash Kabne)

Stenographer (Grade – 3)

Jt. C.J.J.D. & J.M.F.C., Ambajogai.