

**Regular Civil Suit No. 454/2023.**  
**Ramesh & others V/s. Subhash & others.**  
**CNR No : MHBI060027692023.**  
**ORDER BELOW EXH - 14.**

This is the suit for declaration of ownership and perpetual injunction. The subject matter of the suit is the agricultural land situated in Survey No. 33/A/1 Mouje Hivra (Kh), Tq. Ambajogai. Through this application plaintiffs have prayed for appointment of commissioner to measure the suit property by virtue of Order 26 Rule 9 of C.P.C. in order to ascertain the alleged encroachment at the hands of defendants. Per contra, defendants have no objection to issue the commission at the cost of plaintiffs.

Having heard the rival submissions, I am to state that yet the defendants are to file their written statement on the record. This is not the suit for simplicitor measurement of the land neither the removal of encroachment, but this is the suit for perpetual injunction and declaration of ownership. Indeed, in such circumstances, when issues are not settled, even the defendants have not filed their written statement on the record, this application for issuance of commission to the T.I.L.R. appears to be extreme haste on the side of plaintiffs. Hence, I found application to be premature. Thus, I reckon to pass following order;

**:: ORDER ::**

**01.** Application stand rejected.

Place : Ambajogai.  
Date : 24/04/2024.

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

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**:: Certificate of Stenographer ::**

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

Dictated On : 24/04/2024.

Transcribed On : 24/04/2024.

Checked & Signed On : 24/04/2024.

Date : 24/04/2024.

Place : Ambajogai.

**Sd/-**

**( Akash Kabne )**

Stenographer (Grade – 3)

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