

Sk. Ismile -V- Sk.Lal & others.

-Order Below Exh.13-

(Passed on:- 13/07/2016)

The plaintiff has filed the present application U/O.26 Rule 9 of the Code of Civil Procedure, 1908 for appointment of Court-Commissioner. It is the contention of the plaintiff that he is the owner of 1H-82R of the agricultural land Gut No.626 situated at village Savna Part-II, Tq.Chikhli, District Buldana. The defendant No.1 has encroached upon 0H-10R land of the suit property. In the earlier measurement, carried privately by the plaintiff, there is no mention about extent of encroachment upon the suit property. So, it has become necessary to get measured entire Gut No. 626.

2. The defendant No.1 has filed the written statement at Exh.11. He has contended that if the cadastral surveyor shows encroachment in his measurement work, the defendant No.1 is ready to hand-over possession of the encroached area. Defendant Nos.2 to 7 have not appeared. So, the Court has passed ex-parte order against them.

3. I have heard Shri. T.A.Shaikh, the learned advocate for the plaintiff.

4. In short, it is the pleading of the plaintiff that he is the owner of 1H-82R land in Gut No.626. Considering the pleadings of the plaintiff, it appears that issue about boundary dispute or alleged encroachment is involved in the present suit. Hence, I am of the view that cadastral surveyor from the Government department be appointed to measure entire Gut

No.626. As the plaintiff himself wants to measure Gut No. 626, no prejudice would be caused to the defendants.

5. In the light of above discussion, I am inclined to allow the application. Hence, I pass the following order.

-ORDER-

1. The application is allowed.
2. T.I.L.R. Chikhli, is appointed as Court-Commissioner to measure the land Gut No. 626 situated at village Savna Part-II, Tq. Chikhli, District – Buldana.
3. T.I.L.R. Chikhli, is directed to measure entire Gut No. 626.
4. T.I.L.R. Chikhli, is directed to demarcate the boundaries of Gut No. 626 and prepare the measurement map. He is directed to show the extent of encroachment, if any.
5. T.I.L.R. Chikhli, to submit his report as early as possible.
6. The plaintiff to bear the necessary expenses of the commission work and do the necessary compliance.

Sd/-.
(P.S.Kulkarni)
Jt. Civil Judge Jr. Dn.
Chikhli.

Dt.13/07/2016.

"I affirm that the contents of this PDF file Order
are same word for word as per original Order'.

Name of Steno :- Shri. M. S. Joshi,
Order uploaded on :- 20/07/2016.
Date of PDF file :- 20/07/2016.