

MHBU13000018-2016



Common order below Exh. 21, 22 & 37 in
RCS No. 4/2016.
Sk. Ismail vs. Sk. Lal & others.

Plaintiff have raised the objection to the measurement carried out by the Court Commissioner as per order passed at Exh.13.

2. Plaintiff submitted that as per order court commissioner was directed to measure the Gut No.626 and demarcate the boundaries, he further directed to show the exact encroachment if any. Court Commissioner has not complied the order. Therefore, plaintiff prayed for fresh measurement with direction to complied the procedure of measurement and submit the report as passed order passed below Exh.13.

3. Heard. Perused the record. It appears that as per order below Exh.13 direction for the measurement has been given as stated by the plaintiff. Specific directions are given for the demarcation and exact encroachment if any. Original record of the measurement is also submitted by the Commissioner. It appears that Commissioner have not followed the procedure of measurement. It further appears that he has demarcate boundaries of Gut No.626 but he has not shown exact encroachment found as per measurement. Therefore, it clearly appears that Commissioner has not followed the procedure. Therefore, it is necessary to direct Commissioner to measure land of plaintiff afresh by measurement of Gut No.626. Hence, proceed to pass following order.

ORDER

1. T.I.L.R., Chikhali shall measure the Gut No. 626 of village Sawna (Part-II) as per procedure.
2. He is directed to measure Gut No. 626 and other adjacent property as required by the rule and demarcate the boundaries of Gut No.626 along with encroachment if any in detail.
3. He shall demarcate the boundaries of plaintiff's property along with encroachment if any.
4. He shall mentioned the exact area of encroachment found during measurement in detail.
5. He shall follow the procedure of measurement strictly.
6. As plaintiff have deposited once charge of measurement, re-measurement as per rule be carried out without taking charges from the plaintiff.
7. Report be submitted within two months.

Date :- 01/04/2023.
Place :- Chikhli

(H.D.Deshinge)
Civil Judge Jr. Dn.
Chikhli.

Certificate

I B.B. Theng, Stenographer (L.G.) affirm that the contents of this PDF file Judgment/ Order are same words, as per original Judgment/Order.