

MHBU13001230-2019**Order Below Exh. 34 in R.C.S.No. 77/2019.****Vasant vs. Subhash.****(Dated 1st February, 2022)**

Present application has been filed by plaintiff under Order XXVI Rule 9 of the C.P.C.,1908 thereby praying for appointing Dy. S. L. R., Chikhli as Court Commissioner for conducting measurement of his agricultural land admeasuring 0H.42R in Gut No.34 situated at mouza Karwand Part-1, Tq. Chikhli, Dist. Buldana and directing said Court Commissioner to conduct measurement and to submit measurement report along with map showing therein encroachment, if any, committed by anyone.

2) Perused application, say of defendant and documents on record. Also heard learned Advocates for the plaintiff and defendant.

3) Learned Advocate for plaintiff has submitted that plaintiff has filed present suit for perpetual injunction against the defendant. Defendant in his written statement filed at Exh.20 has stated that unless and until plaintiff gets his agricultural land measured, dispute between plaintiff and defendant can not be settled. Accordingly, plaintiff is ready to get his agricultural land admeasuring 0H.42R in Gut No.34 situated at Karwad measured through Government measurer and he is also ready to bear the expenses of measurement and Court Commissioner. Hence, learned Advocate for plaintiff has prayed for grant of this application thereby appointing Dy.S.L.R., Chikhli as Court Commissioner to conduct measurement of plaintiff's land in Gut No.34 with direction to file measurement report along with map showing therein encroachment, if any, committed by anyone.

4) On the contrary, it appears from the say of defendant that learned Advocate for defendant has given no objection to present application.

5) Following points arise for my determination, I have recorded my findings thereon for the reasons discussed below.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1)	Whether it is necessary to appoint Dy.S.L.R. Chikhli as Court Commissioner for measurement as prayed ?	In the affirmative.
2)	What order ?	Application is allowed.

REASONS

As to point No. 1 :-

6) I have perused record of the matter and also taken into consideration the submissions of learned Advocate of plaintiff and defendant. This application is not opposed by defendant. As plaintiff only wants to measure his agricultural land i.e. suit property with the help of Government measurer i.e. Dy.S.L.R., Chikhli so I think it just and proper to allow this application. Hence, I answer to point No.1 in the affirmative.

As to point No. 2 :-

7) Considering all these aspects, I am of the opinion that, the application deserves to be allowed. Therefore, I proceed to pass following order.

O R D E R

1. Dy. S.L.R., Chikhli is hereby appointed as a Court Commissioner to conduct measurement of the plaintiff's land admeasuring 0H.42R in Gut Nos.34 situated at village Karwand Part-I, Tq. Chikhli, Dist. Buldana and also to submit measurement report along with measurement map showing therein encroachment, if any, committed by adjoining land holders to this court within two months.
- 2) Plaintiff is hereby directed to deposit the necessary fees of measurement in the office of Dy.S..L.R., Chikhli directly, as per rules and to provide the revenue record to the court commissioner, if required.
- 3) Parties to the suit appear before Court Commissioner as and when directed and co-operate to the Court Commissioner.
- 4) Copy of writ be forwarded to Court Commissioner on P.F.

Date: 01/02/2022

(S.W. Thombre)
Civil Judge, Junior Division,
Chikhli.

Certificate

I B.B.Theng, Stenographer to J.M.F.C. Chikhli affirm that, the content of this PDF judgment file is the same as per the original judgment.