



ORDER BELOW EXH NO.19

This is an application filed by the plaintiff for appointment of Court Commissioner.

2. The plaintiff submits that, she is the owner and possessor of land Gat No.30 to the extent of 33 R. and defendants have encroached upon said land from southern side to the extent of 2 R. In order to ascertain the exact amount of alleged encroachment the appointment of Court Commissioner is necessary.

3. Defendants resisted the application by filing their say. They submitted that, the plaintiff has agreed in the evidence that there is public canal on the northern side of land sold to defendants and he could not state the exact boundaries of the same. He submitted that there is no document filed by the plaintiff on record.

4. Perused application and say. Heard both sides.

5. Plaintiff alleged that, defendants have encroached upon suit property from the southern side. In order to identify the alleged encroachment the land of plaintiff and defendants in Gat No.30 and 31 were jointly measured on 27/01/2018. However, the surveyor has not shown the exact amount of encroachment found during the cadastral surveyor. Perusal of the measurement map filed on record further reveals that the surveyor has failed to highlight the portion of encroachment nor shown the amount of encroachment if any found during the measurement. This measurement map filed on record creates doubt as to the amount of measurement and the result of the cadastral survey conducted jointly in presence of both the parties.

Therefore in order to ascertain the exact position of suit property the joint measurement is requisite. The suit being for the relief of removal of encroachment, the exercise of joint measurement has to be carried to adjudicate the matter in its entirety.

6. Considering the nature of the suit, I am of the opinion that, the appointment of Court Commissioner once again is necessary. The previous measurement was carried out by T.I.L.R. and resultantly the parties have obtained disagreement regarding the measurement map. Therefore, this measurement is required to be carried by officer in higher than the T.I.L.R. Hence, following order is passed.

ORDER

1. Application is allowed.
2. **District Superintendent of Land Record, Jalna** is appointed as the Court Commissioner.
3. District Superintendent of Land Record, Jalna is directed to measure the Lands of plaintiff and defendants in Gat No.30 and 31 village Akola (Dev), Tal. Jafrabad, Dist.Jalna by issuing due notices.
4. Plaintiff and defendants shall remain present at the time of measurement.
5. District Superintendent of Land Record, Jalna is further directed to prepare a detailed map of measurement and show encroachment, if any.
6. Plaintiff shall bear the expenses of measurement.
7. District Superintendent of Land Record, Jalna is further directed to file their report immediately after measuring the properties, as directed.
8. Issue writ to Commissioner accordingly.

Date : 19/06/2025

(Amit N. Khatade)
Civil Judge Junior Division,
Jafrabad.

CERTIFICATE

Affirm that the contents of this PDF file are word to word as per original order.

Date 19/06/2025

Sd/-xxx
(Ahmad Shaikhh)
Stenographer.