

MHKO070004682012

**ORDER PASSED BELOW EXH.87**

1. This application is filed by plaintiff and defendants jointly praying therein to take joint measurement of old survey No. 373. It is necessary to mention here that, in all three suits are pending in the court in respect of this property. Out of which some are filed by plaintiff and some filed by defendants. Thus, plaintiff and defendant had moved application for measurement of suit property in R.C.S. No. 301/12, 307/12 and in present suit also. All three applications filed in these three suits were allowed. Court Commissioner was appointed to measure suit property accordingly. However, later on plaintiff and defendant filed this joint application contending that, inspite of issuance of writ in every suit for measurement of suit property , it be issued in this matter and as per this they will bear the expenses equally i.e. 1/3rd for measurement of property. Initially, I have passed three different order in three suits. In present suit as per order below Exh.84 already commissioner was appointed to take measurement of land from entire survey No. 373 and to measure internal gat numbers from

survey No. 373 situated at village Danoli, Tal. Shirol, Dist. Kolhapur. Therefore, in view of continuation order passed below Exh.84 and in view of order passed in R.C.S. No. 301/12 and 214/12 I proceed to pass following order.

ORDER

- (1) Application is allowed.
- (2) Deputy Superintendent of Land Record, Shirol is hereby appointed as Court Commissioner (first appellate authority) to take measurement of entire survey No. 373 and every gat number coming in survey No. 373.
- (3) Court Commissioner is further directed that, he shall prepared detail report and map in respect of measurement showing therein entire area of survey No. 373 as well as separate area of every gat number coming into survey No. 373 and fix the boundaries of internal gat numbers from survey No. 373.
- (4) Court Commissioner shall submit his report in respect of house of plaintiff in R.C.S. No. 214/12,disputed well and road passing between the property of plaintiff and defendant and show the same in map also. He shall give detail measurement of each and every boundaries of Survey No. 373 as well as internal measurement of every Gat number.
- (5) Court Commissioner shall submit his report in respect of encroachment, if any carried out by any of the holder over the property of another holder in Survey No. 373.
- (6) Court Commissioner shall carry out aforesaid measurement through tippan utara and phalani map or any other procedure given in the law and ensure that measurement will be without any fault.

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Reg. Civil Suit No. 214/2012.
CNR NO.: MHKO07-000468-2012.

- (7) Considering pendency of matter before the Court since 6 years, Court Commissioner is directed to submit his report as early as possible and in any case within three months from today.
- (8) All parties are directed to deposit requisite commission fee in the office of Superintendent of Land Records, Shirol and submit its copy in this Court.
- (9) Concerned clerk is directed to send commission writ to the Court Commissioner alongwith copy of plaint and W.S. in all three suits, copy of this order, copy of application at Exh.84 alongwith say and order on it, copy of other two applications filed in R.C.S. No. 301/12 and 307/12 for appointment of commissioner alongwith order on it, copy of 7/12 extract, previous measurement record, map if any and all other relevant documents for the purpose of measurement of properties.
- (10) Both parties are directed to furnish copy of plaint, W.S. from all three suits and all other necessary documents of the property in order to send it to Court Commissioner for commission work.

Dt.: 24.09.2019.

(K.G. Sawant)
Civil Judge Senior Division,
Jaysingpur.