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Reg. Civil Suit No. 307/2012.
CNR NO.: MHKO07-000922-2012.

ORDER PASSED BELOW EXH.19

This application is filed by plaintiffs praying therein to appoint Dy. Superintendent of Land Records, Shirol to take measurement of land from block No. 1488/2 area ad measuring 40 R. and submit his report in respect of encroachment if any committed by anyone over of this property alongwith map.

2. According to plaintiffs, previously on 3-4 occasions measurements were carried out. However, defendants have objected that measurement and hence they prayed to measure suit property afresh.

3. Defendants have filed their say and opposed to allow this application contending that this suit is filed on the basis of measurement carried out on 19.9.2009. Measurement can not be carried out to fix the boundaries of sole Gat number since there are another Gat numbers also in this survey number and in order to fix boundary of Gat number of plaintiff, entire survey number is necessary to be measured. Therefore, prayed for rejection of application.

4. Defendant Nos. 4 to 10 filed their say to this application and they also opposed to allow this application

contending that all the Gat numbers from said survey number are required to be measured.

5. Heard both sides and gone through the record. It is necessary to mention here that another suit between plaintiffs and defendants is pending and in that matter already District Superintendent of Land Records, Kolhapur is appointed as Court Commissioner to measure entire survey number that includes Gat number of present plaintiff. Therefore, if this application is allowed, it will be helpful to decide all the disputes between the parties. Unless and until, measurement is carried out there is not question of coming to the conclusion regarding extent of encroachment and for that purpose joint measurement of the property of plaintiff and defendants is necessary. By measuring Gat number owned by plaintiffs only, encroachment will not be find out. Hence, I deem it necessary to take joint measurement of property of plaintiffs and defendants. Hence, following order.

ORDER

(1) Application is allowed.

(2) Deputy Superintendent of Land Records, Shirol is hereby appointed as Court Commissioner with direction to carry out measurement of entire land from C.S. No.373 that includes land of plaintiffs and defendants and submit his report alongwith map mentioning area of each and every Gat

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number . So also he shall submit his report in detail regarding encroachment, if any carried out by any of the holder over the property of another.

(3) Court Commissioner is directed to submit his report as early as possible and in any case within three months from today.

(4) Plaintiffs are directed to deposit necessary commission fee in the office of Dy. Superintendent of Land Records, Shirol itself.

(5) Issue Commission Writ accordingly.

Dt.: 01.12.2018.

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

