

MHKO070019192018



ORDER PASSED BELOW EXH. 20

1] By way of this application, plaintiff is seeking appointment of T.I.L.R., Shirol as a Court Commissioner. According to plaintiff, by appointing such court commissioner, the actual position in respect of area affected in Gat No. 288 due to acquisition of said area for Danoli-Jaysingpur road, will come on record. According to plaintiff, this suit is for compensation. Defendant Nos. 1 to 4 are liable to pay compensation as such plaintiffs area of land is acquired by defendants for construction of such road. The exact area acquired and affected due to the acquisition of defendant will come on record if, commissioner will be appointed.

2] Heard learned advocate for plaintiff. Defendants did not file their say and raised any objection to plaintiff's application. Suit is for recovery of compensation. As per settled principal of law, plaintiff can not take assistance of court for collecting his evidence. Inspite of that, considering nature of suit, in my opinion, the actual position in respect of

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acquisition of alleged area of plaintiff from Gat No. 288 of village Jainapur for construction of Danoli-Jaysingpur road, is required to be brought on record. For such purpose, T.I.L.R. will be appropriate person for appointment of court commissioner. He being expert can bring the truth before court on the basis of which plaintiff's suit can be finally adjudicated. For all above reasons, present application is required to be allowed. Hence, following order.

ORDER

- (1) Application is allowed.
- (2) T.I.L.R., Shirol is hereby appointed as Court Commissioner, he shall take measurement of Gat No. 288 of village Jainapur, Tal. Shirol, Dist. Kolhapur and submit report within one month as to how much area of plaintiff is acquired and how much area is affected due to construction of Danoli-Jaysingpur road from said Gat number.
- (3) Plaintiffs are directed to deposit requisite court commission fees in the office of T.I.L.R., Shirol and submit its copy in this Court.
- (4) T.I.L.R. Shirol is hereby directed to submit his report within a period of one month from today.
- (5) Issue commission writ accordingly .

Dt.: 05.01.2022.

(B.A. Gaikwad)
Civil Judge Senior Division,
Jaysingpur.