

Order below Exh. 38

1] This an application for appointment of Court Commissioner for local investigation to elucidate the matter in dispute i.e. who is in possession of the suit property. The plaintiffs say that they are in possession of the suit field, while according to the defendant he is in possession of the same.

2] The application states that the same is tendered in view of certain observations made by my learned predecessor while passing order below Exh. 5. Issues were framed on 27/09/2013 and now the suit is posted for evidence. It is worth mentioning here that till date no any evidence has been adduced by the plaintiffs.

3] It is well settled that the object of local investigation is not to collect evidence which can be taken in court but to obtain evidence which from its very peculiar nature can be had only on the spot. In the instant case if the application is allowed at this stage, it would amount to collection of evidence and the same can not be allowed. Hence, I hold that the application deserves to be rejected.

For the reasons aforesaid I pass the following order.

ORDER

Application at Exh. 38 is rejected.

Sd/-
(Mahesh Sowani)
Jt. Civil Judge Jr. Dn.
Peth Vadgaon

Date :- 29/08/2015

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Mrs. Rupali Sanjay Jadhav
Name of Court	Shri. M. R. Sowani, Jt. C.J.J.D. and J.M.F.C., Peth Vadgaon
Date of Dictation	29/08/15
Judgment signed by the P.O. on	29/08/15
Judgment/Order uploaded on	29/08/15