

MHLA050005822011



R. C. S. No. 43/2011

Abdul Mujib Vs. Gangadhar

Order below Exhibit 1

This suit is remanded back as per the directions given by Honourable High Court in Second Appeal No. 388 of 2021 and Civil Application No. 10107 of 2021.

2) In the Second Appeal Honourable High Court has given direction to appoint T.I.L.R. or D.I.L.R. as a Court Commissioner to measure the suit property and to decide this suit afresh on the basis of report of court commissoiner.

3) The background is that, the original suit was filed in respect of suit property sy. no. 1. Plaintiff No.1 is owner of sy. No.1 Hissa No.2 area 06R. Plaintiff No.2 is owner of sy. no.1 Hissa No.2 area 05R. Originally plaintiff No.1 had purchased sy. No.1 Hissa No.2 area 13R, out of which 07R portion he alienated to his wife Bibi Aayesha by sale-deed. Thus in sy. no.1 Hissa No.2 there are distinct portions of area 06R, 05R and 07R.

4) The suit is for recovery of possession of encroached portion. The Honourable High Court observed that previous surveyor namely Rajesh Korade had not specifically demonstrate the alleged encroachment in respect of these portions of land. Therefore in the Second Appeal the direction is given to appoint T.I.L.R. or D.I.L.R. to measure these three portions and to ascertain the area of encroachment done on these portions. In view of above

facts and the directions of Honourable High Court, I pass the following order :

ORDER

- 1) T. I. L. R., Ahmedpur is appointed as Court Commissioner and is directed to measure portions adm. 06R, 05R and 07R in land Survey No.1, Hissa No.2 of village Ahmedpur and ascertain the area of encroachment done on any portion.
- 2) The Court Commissioner to issue notices to interested parties and the owners of adjoining property of land Sy. No.1, Hissa No.2.
- 3) The plaintiffs and defendants to provide necessary documents to the Court Commissioner.
- 4) The plaintiffs to bear the charges of the Court Commissioner.
- 5) The Court Commissioner to submit commission report within a period of three months from the date of receipt of commission writ.
- 6) Issue commission writ to T.I.L.R., Ahmedpur accordingly.

Date :- 18/06/2022.

(P. A. Savadikar)
Civil Judge S. D. Ahmedpur