

ORDER BELOW EXH. 21

(Passed on 03.08.15)

1. This is an application filed by plaintiff seeking directions to be issued to the Court Commissioner to file corrected measurement map. Perused application and say filed thereon. Heard both sides at length.

2. It is contention of plaintiff that T.I.L.R. was appointed as Court Commissioner for measurement of F. S. No. 31 at Sukani. He has carried out measurement of suit land and thereafter filed report alongwith map. However, in said map, Court commissioner has not shown the area upon which encroachment is made by deft. Even, Court Commissioner has not opined as to whether encroachment is made by deft. over suit land. Therefore, it is necessary to issue directions to the Court commissioner to file corrected map and report revealing encroachment, if any.

3. Court commissioner, through note on measurement map, has shown his inability to opine in respect of encroachment over suit land as sub-division of F. S. No. 31/1/3 is not mutated with its office.

4. However, today plaintiff has filed certified copy of map of sub-division of F. S. No. 31/3. It appears that said map is issued by office of Court commissioner only. It raises question over sanctity of submission of Court Commissioner in respect of non-availability of map of sub-division of F. S. No. 31/1/3. In the milieu of above discussion, I find it fit to call clarification of Ld. Court Commissioner in this regard by keeping present application in abeyance. Consequently, I proceed to pass the following order :

ORDER

1. Issue notice to Court Commissioner and call his

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clarification as to why his report should not be considered improper.

2. Plaintiff is directed to file copy of map of sub-division in F. S. No. 31.
3. Court Commissioner is hereby directed to submit his clarification, as directed above, on or before 22.09.15, failing which appropriate action will be initiated against him personally.
4. Till receipt of clarification of court commissioner, present application is kept in abeyance.

Date : 03.08.15

(M.P.PANDE)

Udgir.

3rd JT. C.J., J.D., Udgir.