

ORDER BELOW EXH.18

This is suit for declaration of ownership and perpetual injunction.

2. Read application. Say by defendant is not filed hence present application is proceeded without say of the defendant. Heard ld advocate of the applicants. Perused the record.

3. Plaintiff has contended that, he is owner and possessor of the land adm. 3 h. 4 R out of survey no.43 at village Sonavala. Sail land got to the plaintiff in partition among the joint family. Defendants are adjacent land owners of the plaintiff. Defendants are trying to encroach upon the suit land. Defendant are not ready to measure the suit land. Defendants are creating dispute of encroachment over the suit land. Therefore, plaintiff has prayed for measurment of the suit land along with remaining land in survey no.43, so that encroachment by defendant, if any would be determined.

4. On the other hand defendant has not objected the present application by filing say nor defendant have appeared when called out.

5. It is a matter of record that suit is for declaration of ownership and perpetual injunction. Plaintiff say and submits that, the defendant have been trying to encroach upon the suit land.

Considering, the nature of the suit, for adjudication the suit of merit it will be proper and justified to carry out measurement the suit land from the expert Court Commissioner. Therefore, I pass following order.

ORDER

1. Application Exh.18 is allowed as under.
2. Taluka Inspector Land Record, Jalkot is appointed as Court Commissioner to carry out measurement of suit property i.e. survey no.43 admeasuring 3 hector 4-R at village Sonvala, tq.Jalkot the costs of plaintiff.
3. Court Commissioner shall issue notices to all parties to the suit and all adjacent owners of property by RPAD. Court Commissioner shall file on record the office copy of notice and postal receipts along with acknowledgment without fail.
4. Plaintiff and defendants to note that, they shall furnish the necessary names and detailed address of all adjacent owners either before the Court or before the Court Commissioner and if they fail to do so, they will not be entitled to raise any objection is respect of same after measurement.
5. After carrying out the measurement Court Commissioner

shall file the measurement map and report in the Court.

6. Court Commissioner shall use the only certified copies of the original record for the purpose of measurement and shall attach the same along with report.
7. Court Commissioner shall submit report within two months from the receipt of writ from the Court.
8. Plaintiff shall deposit Commission Fee in the office of Court Commissioner and submit all necessary extract and basic record required for the measurement.
9. Issue writ accordingly.

Udgir
Dt:- 06/05/2022

(R. B. Raut)
3rd Jt. Civil Judge Junior Division,
Udgir