

Order below Exh.33 in RCS No.11/2020

Tajoddin Vs. Rauf & Ors.

This is an application filed by plaintiff under Order 26 Rule 9 C.P.C. for appointment of District Superintendent of Land Records, Shirur (A.), as Court Commissioner, for measurement of Gat Nos. 76/A, 76/B and 76/C, situated at village Hisamabad, Tq. Shirur (A.), Dist. Latur on the grounds stated in the application. Defendant Nos. 4 to 7 have filed their say and raised strong objections. Perused application and say. Heard both the sides. Record shows that plaintiff has filed this suit for perpetual injunction and demarcation of boundaries. It is the contention of the plaintiff that he is the lawful owner and possessor of land Gat No.76/B, adm. 2 H. 2 R, defendant Nos. 1 to 3 are owners of Gat No.76/C, adm. 2 H. 2 R, defendant No.4 is owner of Gat No.76/B, adm. 2 H. 2 R and defendant Nos. 5 to 7 are owners of land Gat No.76/A. This means plaintiff and all the defendants are having land in Gat No.76 situated at village Hisamabad, Tq. Shirur (A.), Dist. Latur. From the contents of application it seems that defendants are trying to commit encroachment and trying to demolish the boundary marks of the land owned by plaintiff. Thus, in case if District Superintendent of Land Records, Shirur (A.) is appointed as Court commissioner for measurement of land Gat Nos.76/A, 76/B and 76/C, situated at village Hisamabad, Tq. Shirur (A.) then the dispute between the parties may come to an end. No prejudice will be caused to defendants and others. For these reasons, I pass following order:-

ORDER

1. Application is allowed.
2. Dy. Superintendent Land Record, Shirur (A.), Dist. Latur is hereby appointed as Court Commissioner and he is directed to carry out measurement of Gat Nos. 76/A, 76/B and 76/C, situated at village Hisamabad, Tq. Shirur (A.), Dist.Latur and shall fix the boundary marks according to the

possession of respective parties.

3. Dy. Superintendent Land Record, Shirur (A.), Dist. Latur is further directed to prepare a map of measurement of land Gat Nos. 76/A, 76/B and 76/C, situated at village Hisamabad, Tq. Shirur (A.), Dist.Latur and shall submit his report within two months from the date of depositing of relevant charges by plaintiff.
4. Plaintiff is directed to deposit requisite charges within one month from the date of order and shall submit the photocopy of challan in the Court.
5. After payment of requisite charges by plaintiff, necessary writ be issued to Dy. Superintendent Land Record, Shirur (A.), Dist. Latur.
6. No order as to costs.

Order dictated and pronounced in open Court.

Date :23/02/2023

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.