

MHLA110000102020



Order below Exh.33 in RCS No.11/2020
Tajoddin Vs. Rouf & 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 land bearing Sy./Gat Nos.76/A to 76/C and fixing the boundaries of suit land bearing Sy./Gat No.76/B adm. 2 H. 22 R situated at village Ujed-Hisamabad, Tq. Shirur(A.), Dist.Latur on the grounds stated in the application. Defendant Nos.4 to 7 have filed their say and raised objection. The suit is proceeding ex-parte against other defendants. Perused application and say. Heard both the sides. Record shows that plaintiff has filed this suit for perpetual injunction and demarcation of boundaries of suit land bearing Sy./Gat No.76/B adm. 2 H.22 R situated at village Ujed-Hisamabad, Tq. Shirur(A.), Dist.Latur. From the copy of 7/12 extract of land Sy./Gat No.76/B situated at village Ujed-Hisamabad Tq.Shirur(A.) Dist.Latur filed by plaintiff at list below **Exh.4/3** it reveals that plaintiff and defendant No.4, except other defendants, have their land in the same Gat number. Other defendants are adjacent land owners. Thus, in case if District Superintendent of Land Records, Shirur (A.) is appointed as Court commissioner for measurement of land Sy./Gat Nos.76/A to 76/C situated at village Ujed-Hisamabad, Tq. Shirur(A.), Dist.Latur then the dispute between the parties may come to an end. No prejudice will be caused to any of the defendants. 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 land Sy./Gat Nos.76/A to 76/C situated at village Ujed-Hisamabad, Tq. Shirur(A.), Dist.Latur and shall fix the boundary marks of the suit land bearing Sy./Gat No.76/B adm. 2 H. 22 R situated at village Ujed-Hisamabad,Tq.Shirur(A.), Dist. Latur.

3. Dy. Superintendent Land Record, Shirur (A.), Dist. Latur is further directed to prepare a map of the measurement of land land Sy./Gat Nos.76/A to 76/C situated at village Ujed-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 photo-copy 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 :06/07/2023

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