

MHLA110001982014



Order below Exh.125 in RCS No.87/2014

By this application plaintiff has requested to set aside the order dated 31/07/2024 passed below Exh.1, on the grounds mentioned in the application. Defendant Nos.1/1 to 1/5 and defendant No.2 have raised strong objections on several grounds. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. Record shows that on 23/11/2023 plaintiff moved an application at **Exh.114** for appointing Dy.SLR, Nilanga as Court commissioner. This application, after obtaining say of parties and hearing them, came to be allowed by order dated 08/01/2024 and plaintiff was directed to deposit requisite charges and submit its copy on record. Record further shows that Writ came to be issued to the office of Dy.SLR,Nilanga which came to be served upon him on 06/05/2024.

6. As plaintiff failed to deposit the commission charges, an order dated 31/07/2024 came to be passed which seems to be adverse against plaintiff. It was held that suit to proceed further as if the application at **Exh.114** filed by plaintiff has been rejected. However, it appears that plaintiff has deposited commission charges towards compliance of order at **Exh.114**. Plaintiff has filed the photocopy of challan dated 20/09/2024 at list below **Exh.123** and it shows that he has deposited Rs.27,000/- towards commission charges. In such situation and with a view to prevent the monetary and other loss of plaintiff, the order dated 31/07/2024 needs to be set aside. No prejudice will be caused to defendant Nos.1/1 to 1/5 and 2 because already the application at **Exh.114** is allowed by the Court. Hence, I pass following order:-

ORDER

1. The order dated 31/07/2024 is set aside and the measurement report along with map and other documents if filed by the office of Dy.SLR, Nilanga shall be taken on record.
2. No order as to costs.
3. Necessary order is passed below Exh.1.

Date :13/12/2024

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