

MHLA110009462018



Order below Exh.36 in RCS No.407/2016
Sanjivrao Vs. Maruti

This is an application filed by plaintiff under Order 26 Rule 9 C.P.C. for appointment of Court Commissioner, on the grounds stated in the application. Defendant Nos. 1 and 4 have filed their say and raised objections. Perused application and say. Heard both the sides. Record shows that plaintiff has filed this suit for declaration, removal of encroachment and injunction. Defendant Nos.1 and 4 appeared but failed to file their WS. The suit is proceeding ex-parte against defendant Nos. 2 and 3. By moving this application plaintiff wants to carry out joint measurement of the properties belonging to him as well as belonging to defendants. It is the contention of the plaintiff that defendants have committed encroachment on the suit property bearing G.P.No.370 and to get the real picture of both the properties, it is necessary to appoint the Court Commissioner. In my opinion and after considering the nature of suit, it is necessary to appoint the Court Commissioner who shall carry out joint measurement of the properties belonging to plaintiff and defendants. No prejudice will be caused to defendants and on the contrary the real picture of both the properties will come on record. In the result, I pass following order:-

ORDER

1. Application is allowed.
2. Dy. Superintendent Land Record, Nilanga, Dist. Latur is hereby appointed as Court Commissioner and he is directed to carry out joint measurement of Grampanchayat House No.370 and Grampanchayat House No. 368, both situated at village Tagarkheda, Tq. Nilanga, Dist. Latur.
3. Dy. Superintendent Land Record, Nilanga, Dist. Latur is further directed to prepare a map of joint measurement of both the properties 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 fifteen days 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, Nilanga, Dist. Latur.
6. No order as to costs.

Order dictated and pronounced in open court.

Date : 16/07/2022

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