



ORDER BELOW EXH.29

1) The plaintiff has filed present application for appointment of the Court commissioner for the joint measurement of Survey no.43 situated at village Hadoli, Tq. Nilanga, Dist. Latur.

2) The plaintiff has filed the present suit for the recovery of possession. It is the case of plaintiff that, the defendants made encroachment over the suit property the land Survey no.43 was measured by the private person wherein it is transpired that, the defendants made encroachment over the land Survey no.43/D from the eastern side to the extent of 10 R and western side to the extent of 10 R. It is also transpired that, the defendants made encroachment on land Survey no.43/C from the eastern side to the extent of 15 R. The plaintiff asked the defendants to hand over the encroached portion, but the defendants did not agree for the same.

3) The plaintiff desires to measure the land Survey no.43 jointly for elucidating the truth. Accordingly, the plaintiff requested to appoint the Dy.S.L.R., Nilanga as court commissioner. Hence, this application.

4) I have perused the record. It appears that the plaintiff and defendants are the adjacent land owners and there is



boundary dispute in between them. Whenever there is boundary dispute or dispute in respect of the encroached portion, the only remedy is to measure the suit properties jointly. Now, the plaintiff is ready to measure the suit properties jointly. The lands of plaintiff and defendants are situated in Survey no.43, so it is necessary to measure the entire survey number to find out the actual encroachment. Hence, the application deserves to be allowed. Therefore, following order is passed.

ORDER

- 1) The Deputy Superintendent of Land Records, Nilanga is hereby appointed as Court Commissioner and is directed to measure land Survey no.43, situated at Hadoli, Tq. Nilanga, Dist. Latur and submit its report along with map at the earliest.
- 2) The plaintiff is directed to bear charges of the joint measurement of land Survey no.43. He is further directed to submit the necessary documents for measurement at concerned office.
- 3) Measurement charges be deposited directly at the concerned office within one month.
- 4) Issue commission letter accordingly.

Place:- Nilanga.

Date :- 02/12/2022.

(Anand S. Munde)

Jt. Civil Judge S. D. Nilanga.