

ORDER BELOW EXH.25 IN R.C.S. No. 8/2016
(Ramkishan Barule etc. 2 VS. Prakash Jatal)

1. The present suit is for recovery of encroached land. The plaintiff was filed an application vide Exh.16 for the measurement of Gat No.209 and 211 situated at Mauje Bhandarwadi, Tq. Renapur, Dist. Latur. The said application came to be allowed and T.I.L.R., Renapur was directed to carry out the joint measurement of Gat No.209 and 211. Accordingly, the T.I.L.R., Renapur carried out the measurement and filed its report vide Exh.23. Hence, by present application the plaintiff prayed to direct T.I.L.R., Renapur again to carry out the joint measurement of Gat No.209 and 211 and to mark the area of plaintiff and the encroachment upon it if any.

2. It is stated in application that T.I.L.R. Renapur has submitted the incomplete report in court. As per said report, it can not be seen that whether anybody has encroached or not on the land of the plaintiff. So, the plaintiff prayed to appoint the T.I.L.R. Renapur as Court Commissioner to carry out the joint measurement of Gat No.209 and 211 again alongwith its Pot-Hissa and to submit his report accordingly.

3. The defendant filed his say below application and stated that, the T.I.L.R. Renapur has already carried out the joint measurement of Gat No.209 and 211 and had submitted its report. As per said report the defendant has not encroached on the land of plaintiff. So, the plaintiff can not file the same kind of application again before this court. It is further say of defendant that plaintiff has filed present application with intention to create false document by meeting hands with measurement authorities. Hence, he prayed to reject the application.

4. Perused the application and say. Gone through the record of the case. Heard the learned advocates for both the parties at length.

5. As per the report of T.I.L.R. Renapur vide Exh.23, it appears

that he has carried out the joint measurement of Gat No.209 and 211. He has also shown the encroachment of land holders in Gat No.209 and 210 upon the land in Gat No.211. So, I do not found any substance in the case of plaintiff that the T.I.L.R. Renapur has not carried out the proper measurement as per order below Exh.16. It is also fact that if the plaintiff is having grudge against the measurement of T.I.L.R. Renapur, he can go with his Superior authority for measurement. But, the plaintiff can not file the same kind of application again for directing T.I.L.R. Renapur to carry out the joint measurement of Gat No.209 and 211. So, the present application deserves to be rejected.

6. Hence, the order-

ORDER

1. The application stands rejected.

Date 27/10/2021

**SD/-
(S. D. Yadav)
Jt. Civil Judge Jr. Division,
Renapur.**

C E R T I F I C A T E

I affirm that the contents of this P. D.F. file order are same word for word as per original order.

Name of Stenographer	: S.M.Tanwade
Court Name	: S. D. Yadav, Jt.C.J.J.D., Renapur.
Order Date	: 27/10/2021
Order signed by presiding officer on	: 27/10/2021
Order uploaded on	: 30/10/2021