

ORDER BELOW EXH. 51 IN R.C.S. NO. 28 OF 2014.

HARIRAM VS TRIMBAK AND ANOTHER

01. This is an application filed by the plaintiff under Order 26 Rule 09 of Code of Civil Procedure for appointment of Court Commissioner.

02. By filling present application it is submitted that, plaintiff has filed suit for the recovery of possession and injunction in respect of suit land. The plaintiff measured his land through T.I.L.R., Renapur on 8.06.2012 vide M.R. No.665/2012 and found that, the defendants have encroached over the suit property. The defendants appeared and filed their written-statement but both the defendants denied any encroachment made by them over the suit land. Not only this but defendants have denied the fact of measurement by T.I.L.R.. Therefore, as there is boundary dispute between the parties it is necessary to make joint measurement of the land of plaintiff and defendants. Therefore, T.I.L.R., Renapur may be appoint to measure the land Gat No. 322 owned by the plaintiff and land Gat No. 362 and 364 owned by the defendants situated at village Talani, Tal- Renapur, Dist- Latur. The plaintiff is ready to bear necessary expenses of measurement charges.

03. The defendant nos. 1 & 2 did not file their say.

04. Heard learned advocate for the plaintiff. Perused the pleadings of the parties. It shows that, the defendants have denied any sort of encroachment as well as measurement carried out by the T.I.L.R. therefore, now it is necessary to appoint Deputy Superintendent of Land Record as a Court Commissioner for joint measurement of the land of plaintiff and defendants. Appointment of Court Commissioner will facilitate in order to adjudicate the matter. The plaintiff is ready to bear

the expenses of joint measurement. Therefore, I am of the opinion that, the appointment of Court Commissioner will facilitate to arrive at just decision and it will help in adjudication of the suit. If Court Commissioner is appointed then it will not make any adverse effect on the defendants right as they will get an opportunity to cross-examine the concern Court Commissioner. Hence, I pass following order :-

ORDER

1. Application is allowed.
2. The Deputy Superintendent of Land Records, Renapur is appointed as a Court Commissioner for measurement of land Gat no. 322 owned by the plaintiff and land Gat Nos.362 and 364 owned by the defendants of village Talani, Tal- Rnapur, Dist- Latur.
3. The Deputy Superintendent of Land Records, Renapur is directed to submit map and report of measurement on or before 18.03.2019 without fail after compliance of this order.
4. The plaintiff is directed to pay joint measurement charges for measurement immediately in the concern office and comply with this order. If plaintiff fails to comply this order then this application will be treated as rejected.
5. The plaintiff, defendants and other co-sharers if any are directed to co-operate with and Dy.S.L.R. and provide necessary

documents for joint measurement.

6. Issue Writ to Dy.S.L.R., Renapur for joint measurement.

Date : 09.01.2019
Place : Renapur.

(Omprakash M. Mali)
Civil Judge, Jr. Division, Renapur.
(Court No.1)