

**ORDER BELOW EXH. 28 IN R.C.S. No. 44/2018**  
**( Ravindra Vs. Gyanoba and others )**

**CNR NO. MHLA130002082018**

The present application is filed by the plaintiff for appointment of Court Commissioner Under O. 26 R 9 of the Code of Civil Procedure.

2. By filing present application it is submitted by the plaintiff that he has sought relief of perpetual injunction in respect of land adm. 1 H 48 R out of Gat no. 841, situated at village Pangaon, Tal. Renapur. The defendant nos. 1 to 4 are gradually destroying the common bandh lying in between the land of the plaintiff and defendants. The lands of defendants are situated at the southern side of the suit land. Therefore, there is a boundary dispute between plaintiff and defendants and for that purpose joint measurement of land of plaintiff and defendants is necessary for final adjudication of the suit and for that purpose it is necessary to appoint Dy. Superintendent of Land Record, Renapur as a Court Commissioner.

3. The suit proceeded exparte against defendant nos. 1, 2 & 4 and without written statement against defendant no. 3. Therefore, they have not filed their say.

4. Heard ld. advocate for the plaintiff. Perused the record.

5. After perusal of record it is seen that the suit filed by the plaintiff is for permanent injunction, wherein the plaintiff has contended that the defendants are trying to destroy the common bandh between them. Therefore, it is seen that there is boundary dispute between the plaintiff and defendants. And when there is dispute among the parties regarding the boundaries of the properties it is necessary to appoint cadestrial surveyor to measure the disputed lands. In the present case to appoint the Dy. Superintendent of Land Records, Renapur will be proper in order to bring the exact boundary of the lands of plaintiff and defendants.

6. While allowing the present application it is necessary to clear that who will bear the expenses of the joint measurement. The plaintiff in his application submitted that he is ready to bear the expenses regarding the measurement. Hence, I pass the following order.

**ORDER**

1. Application is allowed.
2. The Deputy Superintendent of Land Records, Renapur is appointed as a Court Commissioner for joint measurement of lands of plaintiff and defendant nos. 1 to 4 in land Gat no. 841, situated at village Pangaon, Tal. Renapur, Dist- Latur and directed to show exact boundaries of the plaintiff and defendants.
3. The Deputy Superintendent of Land Records, Renapur is directed to submit map and report of measurement on or before 28.04.2020, without fail, after compliance of this order.
4. The plaintiff is directed to pay measurement charges for measurement immediately in the concern office and comply with this order. If the 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 measurement.
6. Issue Writ to Dy. S.L.R., Renapur.

**Dated 28/02/2020**

**( O. M. Mali )  
Civil Judge J.D. Renapur.**