

Regular Civil Suit No.91/2019

Ajij Tayyab Shaikh V/s.

Shamshadoddin Ismail Shaikh and others.

**ORDER BELOW EXH.15**

(Decided on 31/01/2020)

The present suit is filed for possession and perpetual injunction. It is story of plaintiff that, he is owner and possessor of 46 R land in Gat No.5 situated at Sindhgaon, Tq. Renapur, Dist. Latur. Defendant No.1 to 4 are adjacent land holder to the plaintiff's land. They are trying to encroach upon the land of plaintiff. So, by present application the plaintiff has prayed to appoint the court commissioner in order to measure his land.

2. On the other hand, defendant No.1 and 2 filed their say vide Exh.20 and prayed to reject the application. According to them, nothing on record to show that they have encroached upon the land of plaintiff. The present suit is possession and injunction. So, to support the suit plaintiff has filed the present application in order to collect the evidence.

3. Perused the application and say. Heard learned advocate for both side. The Order 26 Rule 9 of the Code of Civil Procedure states the appointment of court commissioner for making local investigation. The court can issue court commission for the purpose of local investigation in order to elucidating any matter in dispute. The court commissioner also can be appointed in boundary dispute or in encroachment suits. The present suit is for possession of encroached land and perpetual injunction. So, the plaintiff intents to bring on record the factual position of his land.

4. It is settled principal of law that the court commissioner needs to be appointed in the encroachment suit. The report of court commissioner will help to elucidate the matter. Hence, as prayed by the plaintiff it is necessary to appoint T.I.L.R as a court commissioner. Hence, I proceed to pass the following order.

**ORDER**

1. The application is allowed.
2. The T.I.L.R., Renapur is hereby appointed as a Court Commissioner for carrying out the measurement of Gat No.5 situated at village Sindhgaon, Tq. Renapur, Dist. Latur and fix the boundaries of the land of plaintiff and to show the encroachment if any and submit its report within two months.
3. The plaintiff shall pay necessary measurement fees /charges in the concerned office, directly.
4. Issue Commission letter accordingly.

**Date :31/01/2020**

**( 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	: Dhanshri G. Bhadke
Court Name	: S. D. Yadav, Jt.C.J.J.D., Renapur.
Order Date	: 31/01/2020
Order signed by presiding officer on	: 31/01/2020
Order uploaded on	: 31/01/2020