

MHLA150002852019



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ORDER BELOW EXH.79

This is an application filed by defendant for appointment of court commissioner. The present suit is for recovery of encroached land. The plaintiff was filed an application vide Exh.22 for the measurement of Gat No.98/2/2 situated at Mouje Dongraj, Chakur, Latur. The said application came to be allowed and DSLR, Chakur was directed to carry out the joint measurement of whole old survey no. 98. Accordingly, the DSLR, Chakur carried out the measurement and filed its report vide 54. Now, by present application the defendant prayed to direct DSLR, Chakur again to carry out the joint measurement of old survey no. 98 and to mark the area of plaintiff and the encroachment upon it if any.

2. It is stated in application that DSLR, Chakur 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 defendant prayed to appoint the DSLR, Chakur as Court Commissioner to carry out the joint measurement of old survey no. 98 again alongwith its Pot-Hissa and to submit his report accordingly.

3. The plaintiff filed his say below application and stated that, the DSLR, Chakur has already carried out the joint measurement of old survey no. 98 and had submitted its report. Defendant had opportunity to cross-examine that witness at Exh. 51. So, the defendant can not file the same kind of application again before this court. 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 DSLR, Chakur vide Exh.54, it appears that he has carried out the joint measurement of old survey no. 98. So, I do not found any substance in the case of defendant that the DSLR, Chakur has not carried out the proper measurement as per order below Exh.22. So, the defendant can not file the same kind of application for directing DSLR, Chakur to carry out the joint measurement of old survey no. 98. So, the present application deserves to be rejected.

6. Hence, the order-

ORDER

The application stands rejected with costs.

Date :- 07/04/2026

Place :- Chakur

(Divya Sarang Karbhajan)
Jt. JMFC and CJJD, Chakur.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file judgment/order are same,
word to word, as per the original judgment/order;

Name of the Stenographer : Self
Court Name : Jt. C.J.J.D. and J.M.F.C., Chakur
Date of judgment/order : 07/04/2026
Date of Judgment/Order signed by
the Presiding Officer on : 07/04/2026
Judgment/Order uploaded on : 07/04/2026