

**MHND270006242020**



**R.C.S.NO. 62 OF 2020  
Ganesh VS Maroti and ors.**

**COMMON ORDER PASSED BELOW EXH. 16 AND 28**  
**(PASSED ON 11<sup>th</sup> DECEMBER-2020)**

- 1) The original plaintiff/counter defendant filed application below Exh. 28 and the original defendants/counter-claimants filed the application below Exh. 16 for appointment of Taluka Inspector of Land Record, (T.L.L.R.) as a court commissioner for measurement of the suit land. (Hereinafter the parties are referred by the original nomenclature in the suit as the plaintiff and defendants).
- 2) Perused both applicant and say filed by both parties on the application of each others.
- 3) Heard Ld. Advocate Shri. Shaikh Abdul Kalam for the plaintiff and Ld. Advocate Shri. A.N. Hamand for defendants.
- 4) I have given thoughtful consideration to the argument advanced by Ld. Advocates for both parties.
- 5) The plaintiff filed this suit for demarcation of the suit land and and for perpetual injunction. The defendants filed counter-claim for demarcation of the property described in the counter claim

and for perpetual injunction.

6) According to the plaintiff, he is owner and possessor of the suit land and the defendants are adjacent owner of the suit land. According to the plaintiffs, the defendants are trying to commit encroachment over his land by taking undue benefit of non-demarcation of boundaries of the suit land.

7) According to the defendants, they are owner and possessor of the property described in the Counter claim. According to the defendants, the plaintiff and counter-defendant No. 2 and 3 are adjacent owners of their land and the boundaries of the land described in the counter-claim are not demarcated. Therefore, the plaintiff and counter defendant Nos. 2 and 3 are trying to, obstruct the possession of the defendants and dispossess them from the property described in t he Counter-claim.

8) Considering pleading of the plaintiff as well as defendants it appears that, in this suit as well as in the counter-claim there is dispute in respect of the boundaries of the agriculture properties. Therefore, in order to decide real controversy between the parties and in order to come real and actual position of suit land and property described in the counter-claim about the encroachment, the appointment of court commissioner for measurement is necessary. If there is dispute in respect of boundaries of agricultural land, it cannot be decided without measurement of the suit land. Deputy Superintendent of Land Record (D.S.L.R.) is a expert person to carry

out measurement of the agriculture lands. Therefore, appointment of D.S.L.R., Mudkhed to carry out measurement of the suit land as well as lands described in the Counter-claim is necessary. Moreover, both the parties prayed for passing suitable orders.

9) In view of above discussion I am of the opinion that, In the present suit, there is dispute between plaintiff and defendants in respect of boundaries of the suit land and property described in the counter-claim. Therefore, in order to determine real controversy between the parties measurement of the suit land through D.S.L.R., Mudkhed is required to be carried out. Therefore, both applications are required to be allowed. Hence, I pass following order.

**:: ORDER ::**

1	Both applications below Exh. 16 and Exh. 28 are hereby allowed.
2	The Deputy Superintendent of Land Record, Mudkhed, is appointed as a Court Commissioner.
3	The Court Commissioner is directed to carry out measurement of the entire land Gut No. 208, 203, 207, 209 and 210 situated at Village Malkautha, Mudkhed, Tq. Mudkhed, Dist. Nanded by following all necessary procedure and submit report of measurement alongwith map by showing encroachment if any in the land of plaintiff as well as defendants within one month from receipt of order of this Court.
4	The plaintiffs as well as defendants are directed to deposit measurement charges to the extent of their lands as per rules in the office of Deputy Superintendent of Land

	Record, Mudkhed within 8 days from today.
5	The plaintiffs as well as defendants shall provide all necessary documents for measurement.
6	Issue letter to Deputy Superintendent of Land Record, Mudkhed accordingly.

Pronounced in open Court.

Place: Mudkhed  
Date: 11.12.2020

Sd/-  
( **D.N. Chamle** )  
Civil Judge Junior Division  
Mudkhed Dist. Nanded.

CERTIFICATE

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	:	A.A.Totre
Court Name	:	J.M.F.C. Mudkhed
Date	:	11-12-2020
Judgment/order signed by the Presiding Officer on	:	11-12-2020
Judgment/order Uploaded on	:	11-12-2020