

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK

Reg. Civil Suit No. 138/2023
(Ashok Gaydhane Vs. Nasiba Kureshi)

ORDER BELOW EXH.73
(Passed on this 24th day of July, 2025)

Read the application. Perused record. This is the application filed by plaintiff for appointment of Court Commissioner as per Order 26 Rule 09 of Code of Civil Procedure. Learned advocate of plaintiff has submitted that present suit is for removal of encroachment and defendant nos. 1 to 9 had illegally encroached upon the suit property. In order to have exact measurement of encroachment, court commission kindly be issued.

02. Heard Ld. Advocate of plaintiff. It is relevant to note here that, present suit is for removal of encroachment (for possession). In order to decide relief of removal of encroachment and end the litigation between the parties finally, details regarding encroachment, if any, are necessary. Therefore, the Court Commission needs to be appointed for bringing factual aspect on the record.

03. Moreover, it is settled position of law that, when there is a case of encroachment, Court Commission, needs to be issued. Thus, present application is required to be allowed. Hence, I proceed to pass following order-

ORDER

1.	Application is allowed.
2.	T.I.L.R., of Ramtek is hereby appointed as a Court Commissioner for the following purposes-

(a)	To measure suit property with reference to government record.
(b)	To prepare map of suit property.
(c)	To show encroachment over the suit property, if any.
(d)	To show encroachment in the Red colour, in the map of suit property.
(e)	To mention exact measurement (width, length, direction) of encroachment in the suit property, in the map or report.
3.	Plaintiff is directed to pay necessary fees for appointment of Court Commission.
4.	T.I.L.R., of Ramtek is directed to submit his report within two months.
5.	T.I.L.R. of Ramtek is directed if plaintiff failed to pay commission fee within 15 days, it be informed to the court.
6.	Both parties are directed to appear before the T.I.L.R., as and when called by T.I.L.R. office.
7.	Certified copy of order passed below Exh.73 be sent to T.I.L.R Ramtek.
8.	Plaintiff is directed to provide certified copy of Exh. 1 to T.I.L.R. office, Ramtek and other documents if required.
9.	Issue writ accordingly to the T.I.L.R. Office, Ramtek.

Nagpur.
Dated :24.07.2025

(S.M. Sarode)
Civil Judge Senior Division
Ramtek